



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No: 3718-21

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER █, USN,
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Ref: (a) 10 U.S.C. §1552
(b) SECDEF Memo of 3 Sep 14 “Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD”
(c) PDUSD Memo of 24 Feb 16 “Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or TBI”
(d) PDUSD Memo of 25 Aug 17 “Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault or Sexual Harassment”
(e) USECDEF Memo, “Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations,” of 25 July 2018

Encl: (1) DD Form 149 w/enls
(2) Advisory opinion of 9 Aug 21

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting that his General (under honorable conditions) discharge be upgraded to Honorable on his Certificate of Release or Discharge from Active Duty (DD Form 214) due to a mental health condition. Enclosures (1) and (2) apply.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 4 October 2021, and pursuant to its regulations, determined that the partial corrective action indicated below should be taken. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, applicable statutes, regulations, policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo). Additionally, The Board also considered the advisory opinion (AO) furnished by a qualified mental health provider, which was previously provided to Petitioner.

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3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner enlisted in the Navy and began a period of active duty on 3 October 1985.

c. On 2 July 1986, Petitioner was counseled regarding his failure to report for muster, and his inability to perform his required duties and cope with shipboard life. He was warned that further deficiencies in his performance and/or conduct could result in administrative discharge action.

d. On 7 July 1986, medical personnel performed a Psychiatric Evaluation and diagnosed Petitioner as having a Passive-Aggressive Personality Disorder, and recommended administrative separation processing.

e. On 10 July 1986, Petitioner was notified of administrative discharge action by reason of Convenience of the Government as evidenced by being diagnosed as having a Passive-Aggressive Personality Disorder. After being afforded his procedural rights, Petitioner waived his right to have his case heard before an administrative discharge board. Subsequently, Petitioner's case was forwarded to the separation authority with the recommendation that he separated from the Navy with a general discharge.

f. On 23 July 1986, Petitioner's commanding officer submitted a Low Quality Recruit Report to the separation authority stating, in part, that Petitioner would not work, and complained his detailer lied to him by telling him he would be assigned to shore duty on the Sixth Fleet staff. Further, he complained of being physically sick because he did not want sea duty, and was subsequently referred for a psychiatric evaluation.

g. On 29 July 1986, the separation authority directed Petitioner's discharge for the convenience of the government, and that the character of his service be "Type warranted by his service record."

h. On 14 August 1986, Petitioner was discharged from the Navy with a General (under honorable conditions characterization of service by reason of "Other Physical/Mental Condition- Personality Disorder."

i. Characterization of service is based in part on conduct marks assigned on a periodic basis. Petitioner's conduct average was 2.8. At the time of his service, a conduct average of 3.0 was required to be considered for an honorable characterization of service.

j. With his application, Petitioner feels that his discharge is an unfair reflection of his brief 10 months of military service. He enlisted to be an officer, but at each step of his recruitment, training, and initial command assignment, he was told he could not go to Officer Candidate School (OCS) until another service phase, then completion of enlistment. States that when he

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was told he would have to complete his enlistment before he could apply to OCS he “reached a breaking point,” was referred to mental health, diagnosed with a personality disorder and discharged.

k. Enclosure (2), states that based on the objective evidence, Petitioner’s diagnosis of a Personality Disorder, recommendation for discharge for unsuitability for continued naval service, and command’s discharge characterization were consistent and appropriate.

l. Petitioner’s request was fully and carefully considered by the Board in light of the Secretary of Defense’s Memorandum, “Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requested by Veterans Claiming Post Traumatic Stress Disorder” of 3 September 2014 and the "Clarifying Guidance to Military Discharge Review Board and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment" memorandum of 25 August 2017.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that the Petitioner’s request warrants partial favorable action in the form of relief. The Board reviewed his application under the guidance provided in references (b) through (e) intended to be covered by this policy. Additionally, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner’s case in accordance with the Wilkie Memo. Based upon this review, the Board concludes that Petitioner’s request warrants partial favorable action. Although he was diagnosed with a personality disorder, the Board concludes that, his (DD Form 214) should be changed to read that the narrative reason for his discharge was “Secretarial Authority” to eliminate the possibilities of invasive questions. The Board voted to leave the characterization of service as “General,” in part due to the Petitioner’s failure to attain the required average in conduct while in service.

In view of the foregoing, the Board finds the existence of an injustice warranting the following partial corrective action.

RECOMMENDATION

Petitioner be issued a new DD Form 214, showing that on 14 August 1986 he was discharged with a General (under honorable conditions) discharge.

That no further action be granted.

A copy of this Report of Proceedings be filed in Petitioner’s naval record.

4. It is certified that a quorum was present at the Board’s review and deliberations, and that the foregoing is a true and complete record of the Board’s proceedings in the above entitled matter.

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5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

10/18/2021

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Executive Director

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