

DEPARTMENT OF THE NAVY

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

> Docket No: 4826-21 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER

USN, XXX-XX-

Ref: (a) 10 U.S.C. § 1552

(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)

(c) PDUSD Memo of 24 Feb 16 (Carson Memo)

(d) USD Memo of 25 Aug 17 (Kurta Memo)

(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/enclosures

(2) Advisory opinion of 4 Dec 21

- 1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting his General characterization of service be changed on his Certificate of Release of Discharge from Active Duty (DD Form 214), due to Post-Traumatic Stress Disorder (PTSD). Enclosures (1) and (2) apply.
- 2. The Board, consisting of provider, and previewed Petitioner's allegations of error and injustice on 7 February 2022, 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 references (b) through (e). Additionally, the Board also considered enclosure (2), an advisory opinion (AO) furnished by a qualified mental health provider.
- 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 15 March 1994.
- c. On 18 October 1994, Petitioner's psychological consultation diagnosed her with a Personality Disorder Not Otherwise Specified with borderline and dependent traits.

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- d. On 25 October 1994, Petitioner notified of administrative discharge action by reason of convenience of the government as evidenced by a diagnosed personality disorder.
- e. On 23 November 1994, Petitioner was discharged from the Navy by reason of a diagnosed Personality Disorder with a General (under Honorable conditions) characterization of service.
- f. 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 her service, a conduct average of 3.0 was required to be considered for an honorable characterization of service due to the reason for her discharge.
- g. With her application, Petitioner states that when going through boot camp she divulged her diagnosis of Manic Depressive at age 14, and she was allowed to continue. Since her discharge, it has been updated to Bipolar II, NOS, OCD, PTSD, ADHD. Petitioner provided post-service documentation of treatment, from approximately 1996 to 2009, for Adult Attention Deficit Hyperactivity Disorder, depression, anxiety, Bipolar Disorder and Borderline Personality Disorder. Her most recent diagnoses provided was Bipolar Disorder, depressed and Borderline Personality Disorder in 2009.
- h. Enclosure (2), states that based on the available evidence, the preponderance of available objective evidence failed to establish Petitioner's personality disorder diagnosis was in error or her discharge characterization of service should be mitigated by any other mental health condition.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that the Petitioner's request warrants partial relief. Specifically, the Board concluded that Petitioner's DD Form 214 should be changed to read that the narrative reason for her discharge was "Secretarial Authority" to eliminate the possibilities of any stigma associated with her mental health related discharge.

Despite this finding, the Board concluded that no additional relief was warranted. The Board reviewed Petitioner's application under the guidance provided in references (b) through (e) but concluded, despite liberal consideration, that the preponderance of the evidence did not support an upgrade to her characterization of service. 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. However, after weighing the evidence, the Board determined that Petitioner's record of performance did not support an Honorable characterization of service. Specifically, the Board considered Petitioner's 2.8 final trait average and the minimum requirement of a 3.0 trait average to qualify for an Honorable characterization of service. In making this finding, the Board substantially concurred with enclosure (2) that Petitioner's discharge for personality disorder was supported by the medical evidence and no

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error exists with her discharge.

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 23 November 1994, the narrative reason for separation was "Secretarial Authority," the separation authority was "MILPERSMAN 1910-164," and the separation code was "JFF."

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.
- 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.

