



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

█  
Docket No: 5093-21

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
█ USN █

Ref: (a) Title 10 U.S.C. §1552  
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)  
(c) PDUUSD 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 █  
(2) BCNR, Advisory Opinion of 8 Sep 21

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting an upgrade to her general discharge and a change to the name reflected on her Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (2) and references (a) through (e) apply.

2. The Board consisting of █, █ and █ reviewed Petitioner's allegations of error and injustice on 19 November 2021, and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), and 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 qualified mental health provider, which was previously provided to Petitioner. Although Petitioner was afforded an opportunity to submit a rebuttal, Petitioner did not do so.

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

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[REDACTED] USN, [REDACTED]

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

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 14 October 1997. On 1 April 1998, Mental Health Unit, Branch Medical Clinic, Naval Air Station diagnosed Petitioner with a Specific Phobia (Fear of Heights) and Personality Disorder.

d. On 2 April 1998, Petitioner was notified of administrative separation proceedings due to the convenience of the government due to personality disorder.

e. On 17 April 1998, Petitioner was discharged from the Navy on the basis of Personality Disorder, and received a general discharge and a reentry (RE) code of RE-4. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) reflects her legal name at the time of her military service: [REDACTED]

f. In her application for correction, Petitioner asks for an upgrade to her general discharge and a name change on her DD Form 214 from [REDACTED] to [REDACTED]. Petitioner states that she was diagnosed with Autism about a year ago and would like her discharge upgraded because there was no fault on her part. She submits a 24 July 2020 Neuropsychological Evaluation with a diagnosis of Autism Spectrum Disorder. Petitioner also states that having a discharge for "Personality Disorder" makes job searching difficult to impossible. In support of her name change request, Petitioner provides a [REDACTED] County District Court, State of [REDACTED] Court Order changing her name from [REDACTED] to [REDACTED], dated 21 June 2004. She also submits a second [REDACTED] County District Court, State of [REDACTED] Court Order dated 19 June 2019, changing her name from [REDACTED] to [REDACTED].

g. As part of the review process, a Qualified Mental Health Provider reviewed Petitioner's contention that she suffered from a mental health condition incurred during her military service. The Advisory Opinion noted that Petitioner was evaluated by the Mental Health Unit, Branch Medical Clinic while in service and diagnosed with fear of heights and personality disorder. Through her administrative processing, there were no concerns cited which would have warranted referral back to mental health resources. The Advisory Opinion also noted Petitioner's post-discharge diagnosis of a mental health condition. The Advisory Opinion concluded that the preponderance of objective evidence failed to establish that Petitioner suffered from an unfitting mental health condition at the time of her military service or that her in-service behavior and occupational function could be mitigated by an unfitting mental health condition. The Advisory Opinion was provided to Petitioner, and Petitioner was given 30 days in which to submit a response. When Petitioner did not provide a response within the 30-day timeframe, her case was submitted to the Board for consideration.

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[REDACTED] USN, [REDACTED]

## CONCLUSION

The Board reviewed Petitioner's request in accordance with references (b) through (e), and also carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in his case in accordance with the Wilkie Memo. The Board reviewed the analysis and the conclusions of the Advisory Opinion, and took into consideration the information pertaining to Petitioner's administrative separation in 1998. Based on the 1 April 1998 Mental Health examination, the Board concluded that Petitioner's discharge on the basis of Personality Disorder (the Axis II diagnosis reflected in the results of the 1 April 1998 psychiatric evaluation) was executed without error or injustice. Taking into consideration the length of Petitioner's service, the 1 April 1998 psychiatric evaluation, and the chain of command's recommendation, the Board concluded that a general characterization of service was appropriate. The Board found that the post-discharge diagnosis of Autism did not render her in-service diagnosis of Personality Disorder and resultant administrative separation either erroneous or unjust. However, the Board found that the narrative reason for separation of Personality Disorder unjustly discloses Petitioner's personal health information, and therefore should be corrected to reflect Secretarial Authority. The Board determined that her narrative reason for separation should be changed to Secretarial Authority, along with a corresponding change to her SPD code and separation authority.

With respect to Petitioner's request for a name change on her DD Form 214, the Board noted that Petitioner's legal name was [REDACTED] at the time of her discharge, and therefore is not erroneous. The Board considered that Petitioner has legally changed her name to [REDACTED] since her discharge, but determined that she did not provide sufficient evidence or information to establish that her previous legal name on her DD Form reflects an injustice to her.

The Board determined that no further action is warranted.

In view of the above, the Board directs the following corrective action.

## RECOMMENDATION:

That Petitioner's naval record be corrected to show that on 17 April 1998, Petitioner was issued a general discharge by reason of "Secretarial Authority," that her SPD code is "JFF," and her separation authority is "MILPERSMAN 1910-164."

That Petitioner be issued a new DD Form 214.

That 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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[REDACTED] USN, [REDACTED]

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.

12/15/2021

[REDACTED]  
Executive Director  
[REDACTED]