



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

[REDACTED]
Docket No: 6319-21

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

Ref: (a) Title 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/attachments
(2) Certificate of Release or Discharge from Active Duty (DD Form 214)
(3) Nonjudicial Punishment of 19 Oct 93
(4) Nonjudicial Punishment of 9 Nov 93
(5) Medial Diagnoses of 23 Nov 93
(6) Letter of Notification of 6 Jan 94
(7) Performance Record
(8) Advisory Opinion of 12 Nov 21

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by upgrading his characterization of service to honorable and change narrative reason for discharge.

2. The Board reviewed Petitioner's allegations of error and injustice on 29 November 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, applicable statutes, regulations, and policies, to include references (b) through (e). Additionally, the Board also considered the advisory opinion (AO) furnished by a qualified mental health professional.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error or 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.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

b. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review Petitioner's application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 14 December 1992. See enclosure (2).

d. On 19 October 1993, Petitioner received nonjudicial punishment (NJP) for failing to obey an order to complete required qualifications as a Galley Watch Captain. See enclosure (3).

e. On 9 November 1993, Petitioner received NJP for failing to obey an order to complete required qualifications as a Galley Watch Captain. See enclosure (4).

f. On 23 November 1993, Petitioner was diagnosed with a Personality Disorder (Passive-aggressive and Schizoid Traits). He was found psychologically fit for duty, however, considered unsuitable for further service. See enclosure (5).

g. On 6 January 1994, Petitioner was notified of administrative discharge action by reason of convenience of the government due to his diagnosed Personality Disorder. He was informed that least favorable characterization of service in his case is general. See enclosure (6).

h. On 14 January 1994, Petitioner was discharged from the Navy with a General (under honorable conditions) characterization of service. See enclosure (2).

i. Characterization of service for a convenience of the government discharge is based in part on conduct marks assigned on a periodic basis. Petitioner's conduct average was 2.8. At the time of Petitioner's service a conduct average of 3.0 was required to be considered for an honorable characterization of service. See enclosure (7).

j. Petitioner's application and records were reviewed by a qualified mental health professional, who provided an advisory opinion (AO) for the Board's consideration. The AO concluded that based on the current available evidence, it is her considered medical opinion that there is post service evidence that the Petitioner may have incurred an unfitting mental health condition during military service, and there is evidence that Petitioner's misconduct could be mitigated by an unfitting mental health condition. See enclosure (8).

BOARD MAJORITY CONCLUSION

The Board majority, in its review of Petitioner's entire record and application, carefully weighed all potentially mitigating factors and determined that Petitioner's request warrants relief.

The Board majority carefully considered whether the interests of justice warrant relief in Petitioner's case in accordance with references (b through e). The Board majority also concurred with the AO that based on the current available evidence, there is post-service evidence that the Petitioner may have incurred an unfitting mental health condition during military service, and there is evidence that his misconduct could be mitigated by this condition. In this regard, and based on Petitioner's overall records, medical diagnosis, and current understanding of mental

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

health conditions in light of the references, the Board majority concluded that no useful purpose is served by continuing to characterize Petitioner's service as anything but honorable. Accordingly, the Board majority recommend that Petitioner's characterization of service should be upgraded to honorable.

BOARD MAJORITY RECOMMENDATION

In view of the above, the Board majority directs the following corrective action:

Petitioner be issued a new DD Form 214 indicating his characterization of service as "honorable," narrative reason for discharge as "Secretarial Authority," and separation authority as "JFF."

Petitioner will be issued an honorable discharge certificate.

A copy of this report of proceedings be filed in Petitioner's naval record.

No further action be granted.

BOARD MINORITY CONCLUSION

The Board minority, in its review of Petitioner's entire record and application, carefully weighed all potentially mitigating factors and determined that Petitioner's request warrants partial relief.

The Board minority carefully considered whether the interests of justice warrant relief in Petitioner's case in accordance with references (b through e). However, notwithstanding the Board majority's conclusion, the Board minority believed to the contrary, Petitioner's misconduct resulting in two NJPs, and his failure to attain the required average in conduct to be considered for an honorable discharge. Thus, supporting his general (under honorable condition) discharge, and found that his characterization of service was proper at the time discharge.

The Board minority did recommend that Petitioner's narrative reason for discharge and separation authority to be changed.

BOARD MINORITY RECOMMENDATION

In view of the above, the Board minority directs the following corrective action:

Petitioner be issued a new DD Form 214 indicating his narrative reason for discharge as "Secretarial Authority" and separation authority as "JFF."

A copy of this report of proceedings be filed in Petitioner's naval record.

No further action be granted.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

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. The foregoing action of the Board is submitted for your review and action.

1/21/2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved (Deny Relief)

Reviewed and Approved Minority Recommendation (Partial Relief)

Reviewed and Approved Majority Recommendation (Grant Relief)

1/31/2022

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]