



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

█
Docket No: 489-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █, USN,
XXX-XX-█

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 with attachments
(2) Case summary

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 to make other conforming changes to his DD Form 214 following his discharge for a personality disorder.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 4 February 2022, 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 references (b) through (e). Additionally, the Board also considered the advisory opinion (AO) furnished by 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. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review the application on its merits.

c. The Petitioner enlisted in the Navy and began a period of active service on 25 September 2003. Petitioner's pre-enlistment physical on 19 March 2003 and self-reported medical history both noted no psychiatric or neurologic abnormalities, conditions, or symptoms. On 8 April

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN, XXX-XX-[REDACTED]

2004 Petitioner reported for duty on board the [REDACTED] ([REDACTED]) in [REDACTED], [REDACTED].

d. On 8 June 2004 Petitioner underwent an initial psychological evaluation on board the [REDACTED] following his chief complaint of insomnia. The Ship's Psychologist (SP) diagnosed Petitioner with an "adjustment disorder with mixed anxiety and depressed mood r/o primary insomnia." The SP noted that Petitioner's difficulties appeared to be due to persistent anxiety and depressed mood existing in the context of having difficulty adjusting to the Navy environment. The SP recommended that Petitioner follow up with the SP for supportive, cognitive behavioral psychotherapy.

e. On 3 August, 31 August, and 9 September 2004, Petitioner met with the same SP for follow-up psychotherapy. However, on 14 September 2001 Petitioner was voluntarily admitted to the Naval Medical Center, [REDACTED] due to his chief complaint being that Petitioner did not feel that he was getting any better. The evaluating psychiatrist (EP) diagnosed Petitioner with an adjustment disorder with depressed mood and recommended his expeditious administrative separation. Upon his discharge on 21 September 2001, the EP stated that Petitioner was in need of continued psychiatric treatment to be provided at the [REDACTED] Medical Clinic.

f. On 22 September 2004 Petitioner was seen at the 32nd Street clinic for follow-up treatment. The session focused on his safety. Petitioner's diagnosis remained the same and the evaluating psychologist concurred with the administrative separation recommendation.

g. However, on 22 September 2004, the original SP who diagnosed Petitioner's adjustment disorder in June 2004 suddenly changed his diagnosis to that of a "personality disorder, not otherwise specified, with cluster B features" and recommended Petitioner's expeditious administrative separation. The SP determined that the Petitioner was not mentally ill, but that Petitioner manifested a long-standing disorder of character and behavior which was of such severity as to render Petitioner unsuitable for continued naval service.

h. On 23 September 2004 the Petitioner's command notified him that he was being processed for an administrative discharge on the basis of a diagnosed personality disorder. The Petitioner waived his rights to consult with counsel, provide a written rebuttal statement to the proposed separation, and General Courts-Martial Convening Authority review of the discharge. On 24 September 2004 Petitioner's commanding officer recommended a general (under honorable conditions) (GEN) characterization of service. Ultimately, on 1 October 2004 the Petitioner was discharged from the Navy with a GEN characterization of service with "Personality Disorder" as the listed narrative reason for separation and "JFX" as the corresponding separation code. The Petitioner also received an "RE-4" reentry code.

i. On 24 January 2013 the Naval Discharge Review Board (NDRB) concluded that Petitioner's discharge was proper but not equitable. The NDRB noted that the MILPERSMAN clearly stated that discharge characterizations for personality disorders should be honorable unless GEN is warranted under the circumstances. The NDRB noted that the Petitioner had no misconduct or other significant negative aspects of service warranting a GEN. Accordingly, the NDRB upgraded Petitioner's discharge characterization to honorable, but did not make any other

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
XXX-XX-[REDACTED]

conforming changes to the DD Form 214. The NDRB issued a DD Form 215 on 8 July 2013 to reflect the upgraded honorable characterization of service.

j. In short, Petitioner contended the Navy erred by using personality disorder as his basis for separation because the medical records did not support such diagnosis. Petitioner further argued, in part, that it was unjust to leave personality disorder on the DD Form 214 due to its associated stigma coupled with the lack of any post-discharge behaviors supporting such diagnosis.

k. As part of the review process, the BCNR Physician Advisor, who is a licensed clinical psychologist (Ph.D.), reviewed Petitioner's contentions and the available records and issued an AO on 28 January 2022. The Ph.D. initially observed that Petitioner's service record contained evidence of a mental health diagnosis (adjustment disorder) as well as a personality disorder. The Ph.D. determined given Petitioner's documented symptoms at the time, that it was likely he suffered from an adjustment disorder rather than a personality disorder. The Ph.D. noted that the narrative summary of Petitioner's inpatient admission did not reference any personality disorder characteristics, but did confirm the adjustment disorder diagnosis after observing and collecting clinical information for over a week. The Ph.D. concluded by opining that there was sufficient evidence Petitioner exhibited behaviors associated with an adjustment disorder and not a personality disorder.

CONCLUSION:

Upon review and liberal consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Additionally, the Board reviewed his application under the guidance provided in references (b) through (e). Specifically, the Board considered whether his application was the type that was intended to be covered by these policies.

In keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior and/or adjustment disorder. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as being for a mental health-related condition and that certain remedial administrative changes are warranted to the DD Form 214.

RECOMMENDATION:

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

That Petitioner's the narrative reason for separation should be changed to "Secretarial Authority," the separation authority be changed to "MILPERSMAN 1910-164," the separation code be changed to "JFF," and the reentry code be changed to "RE-1."

Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
XXX-XX-[REDACTED]

Petitioner shall be issued a new Honorable Discharge Certificate.

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.

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 Regulations, 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.

2/9/2022

[REDACTED]

Executive Director

[REDACTED]