



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: 1170-22

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, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder," of 3 September 2014 (Hagel Memo)
(c) PDUSD Memo, "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or TBI," of 24 February 2016
(d) USD Memo, "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," of 25 August 2017 (Kurta Memo)
(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 (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 18 March 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 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

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determinations (Wilkie Memo). 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 16 September 1996. Petitioner's pre-enlistment physical on 9 September 1996 and self-reported medical history both noted no psychiatric or neurologic abnormalities, conditions, or symptoms. On 4 August 1997 Petitioner reported for duty on board the [REDACTED] ([REDACTED]) in [REDACTED], [REDACTED].

d. On 22 August 1997 Petitioner underwent an initial psychological evaluation at the Branch Medical Clinic, Naval Training Center [REDACTED] (BMC). He was diagnosed with claustrophobic tendencies (strong) with no indications of process thought disorder. He was judged to be fit for full duty and responsible for his actions. The Clinical Psychologist (CP) noted that any escalation in signs of claustrophobia should be observed and documented carefully, and that an increase in claustrophobia/anxiety symptoms would be cause for a "not fit or suitable for full duty" determination.

e. On 22 September 1997 Petitioner underwent a follow-up evaluation. The Navy Medical Officer (MO) diagnosed Petitioner with claustrophobic tendencies, severe, not improved with continued exposure. The MO recommended Petitioner's submarine disqualification due to claustrophobic tendencies.

f. On 22 September 1997 Commander, Submarine Squadron [REDACTED] issued Petitioner a "Page 13" counseling sheet (Page 13) documenting his submarine duty disqualification. The Page 13 also noted the removal of Petitioner's submarine designator and breast insignia.

g. On 2 March 1998 Petitioner underwent another psychological evaluation at the BMC. The very same CP from the August 1997 examination evaluated Petitioner. However, the CP changed his diagnosis to a personality disorder not otherwise specified with dependent and avoidant features. The CP determined that Petitioner was unsuitable for retention and recommended his expeditious administrative separation. However, on 10 March 1998 the examining Medical Officer noted on Petitioner's separation physical that claustrophobia was the reason for his discharge.

h. On 25 March 1998 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

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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 10 April 1998 Petitioner's commanding officer recommended an honorable (HON) characterization of service to the Separation Authority. Ultimately, on 24 April 1998 the Petitioner was discharged from the Navy with an HON 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-3G" reentry code.

i. On 2 October 1999 the VA granted Petitioner a service-connection for claustrophobia. The VA denied Petitioner a service-connection for anxiety.

j. In short, Petitioner contends the Navy erred by using personality disorder as his basis for separation because his medical records did not support such diagnosis. Petitioner argues his personality disorder diagnosis was contrary to the overwhelming evidence in his medical records indicating he suffered from claustrophobia. The Petitioner further argues, in part, that it was unjust to leave personality disorder on the DD Form 214 due to its associated social stigma coupled with the lack of any active duty and 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 24 February 2022. The Ph.D. initially observed that evidence submitted by Petitioner supported an in-service and post-discharge diagnosis of claustrophobia linked to his military service. The Ph.D. noted that Petitioner underwent a mental health evaluation three times, and twice it was determined he suffered from claustrophobic tendencies with no other mental health conditions or personality characteristics noted. The Ph.D. also noted that the separation physical, dated 10 March 1998 (eight days after the third evaluation), listed claustrophobia as the reason for discharge with no mention of a personality disorder. Additionally, the Ph.D. noted Petitioner's VA service-connection for claustrophobia. The Ph.D. concluded by opining that there was sufficient evidence Petitioner exhibited behaviors associated with claustrophobia on active duty and that the preponderance of available evidence failed to establish Petitioner met the diagnostic criteria for 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).

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 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.

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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.

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.

3/23/2022

[REDACTED]

Executive Director

[REDACTED]