



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

[REDACTED]  
Docket No: 4063-22

Ref: Signature date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF Memo of 3 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 (AO) of 12 Aug 22

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 her characterization of service be upgraded to "Honorable." Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 19 August 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, applicable statutes, regulations, and policies, to include the references.

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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 10 May 2000. She sought medical care in October 2000 for reported incidents of sleepwalking. Her clinical records indicate that she reported having had nightmares since childhood with a history of sleep walking, panic attacks, suicidal ideations, facial tics during public speaking which resulted in dropping public speech courses during college, having suffered sleep apnea prior to removal of her tonsils

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as a child, and a prescription from her family physician for Trazadone after her mother was diagnosed with multiple sclerosis. A psychological evaluation later identified diagnoses of Sleepwalking Disorder and Anxiety Disorder, noting that neither were amenable to effective treatment in a military setting and recommending administrative separation for medical diagnoses which interfered with the performance of duty and rendered her unsuitable for military service.

c. On 20 November 2000, Petitioner was notified of administrative separation processing for convenience of the Government due to a designated pre-existing mental health condition. Her discharge under honorable conditions was approved on 24 November 2000 by Commanding Officer, Service School Command, [REDACTED]. She was discharged, on 14 December 2000, after 7 months and 5 days of service with a General (Under Honorable Conditions) characterization of service.

d. Petitioner contends that she was discharged for purely medical reasons related to her mental health with no record of misconduct or substandard performance. She believes the reason for her discharge under honorable conditions rather than fully honorable was due to having served less than 12 months on active duty. In support of her contentions, she provided a disability determination from the Department of Veterans Affairs (VA).

e. Because Petitioner contended that her mental health condition affected the character of her discharge, the Board also considered the AO. The AO stated in pertinent part:

During military service, the Petitioner was diagnosed with an anxiety disorder and sleepwalking, both pre-existing conditions. Post-service, the VA has provided service connection for her mental health conditions and other medical complaints. It is reasonable that her pre-existing conditions were aggravated in service, given the increase in frequency of panic attacks and sleepwalking episodes noted in her record. It does appear that the Petitioner's separation was related to potential risk to harm to herself and others that her mental health conditions posed.

The AO concluded, "[b]ased on the available evidence, it is my considered clinical opinion there is evidence of mental health conditions that may have been aggravated by military service. There is evidence that the circumstances surrounding her separation could be attributed to her mental health condition."

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants favorable action. The Board reviewed his application under the guidance provided in the references.

Noting first that Petitioner's record reflects no indication of any problems regarding either her conduct or her performance of duties, the Board observed no basis to support issuing her discharge as "General (Under Honorable Conditions)" rather than "Honorable." It is undisputed that Petitioner served beyond the 180-period which would permit an uncharacterized entry-level

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separation. Although the Board distinctly noted that Petitioner had clearly knowledge of her pre-existing behaviors of sleepwalking, anxiety, panic attacks, nervous tics, and mental health medications which she concealed during her enlistment physicals, the Board likewise noted that her chain of command expressly chose to notify her only of separation for the convenience of the Government due to her medical unsuitability rather than to document her failure to disclose her pre-existing conditions or process her for separation by reason of fraudulent enlistment. As a result, the Board found Petitioner's discharge under honorable conditions to have been issued in error and, accordingly, determined that it is in the interest of justice to grant the requested relief.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that for the period ending on 14 December 2000, her "Honorable" discharge was issued.

That no further changes be made to Petitioner's record.

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.

9/8/2022

