



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

ES
Docket No. 4355-22
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) 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) Naval record (excerpts)
(3) Advisory Opinion of 30 Nov 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 to change his narrative reason for separation.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 March 2023 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 references (b) through (e). Additionally, The Board also considered the advisory opinion (AO) furnished by a 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:

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

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

c. Petitioner enlisted in the Navy and began a period of active duty on 2 March 1988.

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d. On 18 July 1988, Petitioner was evaluated and diagnosed with a severe personality disorder with passive-aggressive and borderline features and recommended for administrative discharge.

e. On 27 July 1988, Petitioner notified that he was being recommended for administrative discharge from the Navy by reason of convenience of the government as evidenced by his diagnosed personality disorder. Petitioner was advised of and waived his procedural right to consult with military counsel.

f. The separation authority directed Petitioner's administrative discharge from the Navy with an entry level separation by reason of other physical mental conditions – personality disorder.

g. Petitioner contends that he was misdiagnosed on his “discharge papers”; he has suffered and had many hardships until he was correctly diagnosed.

h. Petitioner provided a Department of Veterans Affairs (VA) identification card, VA summary of benefits letter, VA disability rating document but no supporting documentation describing post-service accomplishments or advocacy letters.

i. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician. Post-service, the VA has determined service connection for bipolar disorder. Unfortunately, there is insufficient evidence of error in his in-service diagnosis. While it is possible that symptoms originally conceptualized as characterological in service have been reconceptualized as bipolar disorder following the passage of time and increased observation of the Petitioner, there is insufficient information regarding this bipolar disorder diagnosis, including symptoms, onset, and identification to attribute error to his in-service diagnosis. Additional records (e.g., complete VA mental health records, including the Compensation and Pension Examination, describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, “it is my clinical opinion there is post-service evidence from the VA of a mental health condition that may be attributed to military service. There is insufficient evidence to attribute the circumstances of his separation from service to a mental health condition other than his diagnosed personality disorder.”

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CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request merits relief, given the totality of his circumstances. The Board reviewed Petitioner's application under the guidance provided in references (b) through (e).

The Board determined that Petitioner's DD Form 214 should be changed to remove any reference to a mental health diagnosis and reflect a less stigmatizing reason for separation. The Board concluded that Petitioner's request warrants relief in the form of changing his narrative reason for separation to "Secretarial Authority", separation authority changed to "MILPERSMAN 1910-164." and SPD code changed to "JFF."

Finally, despite applying liberal consideration, the Board concluded Petitioner's reentry code should remain unchanged based on his unsuitability for further military service.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 8 August 1988, Petitioner's narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 1910-164."

That no further correction action be taken on Petitioner's naval record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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.

3/30/2023

[REDACTED]
Executive Director
[REDACTED]