



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

██████████
Docket No: 4973-22
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) 10 U.S.C. §1552

Encl: (1) DD Form 149 with attachments
(2) Case Summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change to his naval record, specifically, to upgrade his character of service. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 23 September 2022, and pursuant to its regulations, determined 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, and applicable statutes, regulations, and policies

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 waive the statute of limitations and review the application on its merits.

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c. Petitioner enlisted in the Navy and began a period of active service on 24 June 1985. Petitioner underwent medical evaluations on 14 November 1985 and 29 November 1985 due to his poor academic performance, which Petitioner attributed to his depression. Petitioner explained his dissatisfaction with the Navy and his difficulty concentrating during class. Due to Petitioner's continued suicidal ideations and desire for separation, Petitioner was recommended for administrative separation, and was diagnosed with mixed personality disorder, which existed prior to his enlistment (EPTE). Petitioner was counseled and notified of the initiation of administrative separation proceedings due to personality disorder, at which point, Petitioner waived his right to consult with counsel and did not elect to his discharge. On 22 January 1986, Petitioner's commanding officer recommended administrative separation with a General (Under Honorable Conditions) (GEN) characterization of service and noted Petitioner was offered additional counseling but refused to participate and, due to his extreme lack of motivation, had no further potential in service. On 28 January 1986, the separation authority approved Petitioner's discharge. Petitioner was discharged, on 20 February 1986, with a GEN character of service by reason of other physical/mental conditions-personality disorder, SPD code of JFX, and a reentry code of RE-4.

d. Petitioner contends he fell behind in training despite having excellent scores. He claims he was given the options, which included the ability to separate from service with a GEN character of service. Petitioner believes he was given the option to separate because the Navy did not complete their commitment to train him. He further contends, his separation reason does not accurately reflect why he was discharged. For purposes of clemency consideration, the Board noted Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief. In light of the potential for future negative implications, the Board determined Petitioner's narrative reason for separation, SPD code, separation authority, and reentry code should be changed to reflect a Secretarial Authority discharge.

Regarding Petitioner's request for a discharge upgrade, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board noted Petitioner's statements but concluded he was properly processed for administrative separation based on the two medical evaluations, conducted contemporaneously with his active service, that concluded he suffered from a mental condition that made him unsuitable for continued naval service. Further, the Board found no error or injustice with his assigned characterization of service based on the statements and recommendation provided by Petitioner's commanding officer. As a result, the Board concluded significant negative aspects of Petitioner's service outweighed the positive aspects and continues to warrant a GEN characterization. After applying liberal consideration, the Board did not find evidence of an

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error or injustice that warrants upgrading Petitioner's characterization of service or granting clemency in the form of an upgraded characterization of service.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action.

Petitioner be issued a new DD Form 214, for the period ending 20 February 1986, to reflect a narrative reason for separation as "Secretarial Authority," SPD code of "JFF," separation authority of "MILPERSMAN 1910-164," and a reentry code of "RE-1J."

That no further changes be made to the record.

That a copy of this report of proceedings be filed in Petitioner's naval record along with the previously issued DD Form 214 and updated DD Form 214.

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.

10/11/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]