



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

█
Docket No: 5884-22

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-█ [CURRENTLY █]

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 11 Oct 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 for an upgrade of his characterization of service.

2. The Board, consisting of █, █ and █, reviewed Petitioner's allegations of error and injustice on 23 November 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 references (b) through (e).

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 15 June 1984.

d. In June 1985, Petitioner was diagnosed with adjustment disorder with depressed mood and suicide and passive dependent personality with borderline features and recommended for administrative discharge.

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e. In July 1985, Petitioner's command requested that he be reevaluated regarding his potential for future suicide attempts, and danger to himself or others as well as potential for future productive performance within the military system. The treating psychiatrist found Petitioner unsuitable for further naval service, and strongly recommend his administrative discharge from the naval service.

f. On 9 July 1985, Petitioner was 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 and adjustment disorder. Petitioner was advised of, and waived his procedural right to consult with military counsel. Petitioner did not object to his separation.

g. Petitioner's commanding officer (CO) then forwarded the administrative separation package to the separation authority (SA) recommending that Petitioner be administratively discharged from the Navy. The SA approved the recommendation for administrative discharge and directed Petitioner's administrative discharge with type warranted by service record characterization of service by reason of other physical/mental condition – personality disorder. On 13 August 1985, Petitioner was discharged from the Navy with a General (Under Honorable Conditions) characterization of service by reason of other physical/mental condition – personality disorder. Petitioner's final conduct trait average was 2.0.

h. Petitioner contends that he was misdiagnosed with a personality disorder and depression, when he was actually suffering from PTSD. Petitioner further assert that he was diagnosed with severe depression and a personality disorder, which turned out to be PTSD, and both conditions began early in 1985 and caused his behavior to change. He asserts that prior to his depression, he received outstanding marks on his performance reviews.

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 during his enlistment and properly evaluated during an inpatient hospitalization. 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. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service. Post-service, he has provided evidence of a diagnosis of PTSD that is temporally remote to military service and appears unrelated. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) would aid in rendering an alternate opinion.

The AO concluded, "it is my considered clinical opinion there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence of an error in his in-service diagnosis."

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j. In response to enclosure (3), you provided a personal statement that included additional information regarding the circumstances of your case. In addition, you provided additional medical evidence in support of your application. As a result, the AO conclusion was revised to state, “[a]lthough it is possible that the symptoms identified as Adjustment Disorder during military service could be conceptualized as PTSD symptoms, there is insufficient evidence given the passage of time and absence of supporting medical records. Original AO remains unchanged.”

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner’s request warrants partial relief in the interests of justice. In keeping with the letter and spirit of references (b) through (e), 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 his DD Form 214.

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 references (b) through (e). These included, but were not limited to, Petitioner’s desire to upgrade his discharge character of service and contentions as previously discussed. For purposes of clemency and equity consideration, the Board noted Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded that Petitioner’s potentially mitigating factors were insufficient to warrant relief. In making this finding, the Board determined Petitioner’s conduct scores were insufficient to qualify for a fully Honorable characterization of service. The Board noted that characterization of service is based in part on conduct marks assigned on a periodic basis. At the time of Petitioner’s service, a conduct trait average of 3.0 was required to be considered for a fully Honorable characterization of service. Based on these factors, the Board concluded Petitioner’s General (Under Honorable Conditions) characterization of service remains appropriate as issued. Finally, the Board concurred with the AO in that there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service, and there is insufficient evidence of an error in Petitioner’s in-service diagnosis. Therefore, even in light of reference (e) and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants upgrading Petitioner’s characterization of service or granting an upgraded characterization of service as a matter of clemency or equity.

Similarly, notwithstanding the corrections recommended below, the Board concluded Petitioner’s reentry code should remain unchanged based on his unsuitability for further military service due to his existing mental health condition.

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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 DD Form 214 reflecting that his 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.

12/7/2022

[REDACTED]
Executive Director

Signed by: [REDACTED]