



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

[REDACTED]
Docket No. 6556-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Petitioner's OMPF
(c) USD P&R Memo of 25 Aug 17 "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"

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by Ph.D., Licensed Clinical Psychologist, 31 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 that her record be corrected by granting her medical retirement.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 January 2023 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record, 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. Per Petitioner's official military personnel file (OMPF) at reference (b), she enlisted in the Navy and commenced a period of active duty on 21 August 1989. On 28 January 1997, Petitioner was assigned Extra Military Instruction as a result of Destruction of Government property and not keeping her chain of command informed of scheduled medical appointments.

c. On 10 February 1997, Petitioner was escorted to Naval Medical Center (NMC) [REDACTED] after communicating a threat to injure an officer in her chain of command to two other Sailors. Petitioner underwent a psychiatric examination; the psychiatric recommendation dated 25

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February 1997 noted that Petitioner had been admitted to inpatient Psychiatry twice in the last two months and stated that Petitioner's diagnoses were alcohol dependence, eating disorder not otherwise specified, and borderline personality disorder. Reference (b).

d. Petitioner received a negative evaluation covering the period 18 January 1997 to 15 March 1997, which noted declining performance and that she "lacks the ability to tolerate any stress...cannot set goals or organize assignments...refuses to accept accountability for actions." Reference (b).

e. On 13 March 1997, Petitioner was notified of her Commanding Officer's recommendation for administrative separation for misconduct, commission of a serious offense as evidenced by violation of Article 134 of the Uniform Code of Military Justice (communicating a treat to assault) and Personality Disorder. On 25 April 1997, Petitioner was separated from service with the understanding that her General (Under Honorable Conditions) characterization of service was in lieu of Petitioner electing an administrative board. Petitioner's DD-214 states misconduct as a narrative reason for separation. Reference (b).

f. Petitioner alleges that she was suffering from undiagnosed Bipolar Disorder in service and that she should have been medically retired. Enclosure (1).

g. In order to assist the Board in evaluating this petition, it obtained an advisory opinion (AO), enclosure (2), furnished by a licensed clinical psychologist. The AO notes that Petitioner was properly evaluated during her two inpatient hospitalizations and that her Personality Disorder diagnosis was based on observed behaviors, and performance during her period of service. The AO states that Petitioner's in-service misconduct appears to be consistent with her diagnosed Personality Disorder, rather than evidence of Bipolar Disorder or another mental health condition incurred in or exacerbated by military service. The psychologist concluded that there is insufficient evidence that Petitioner's misconduct could be attributed to a mental health condition.

h. Reference (c) provides that liberal consideration will be given to veterans petitioning for discharge relief when the application for relief is based on matters relating to mental health conditions

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the AO and reference (b), the Board determined that Petitioner's request warrants partial relief.

The Board noted that Petitioner's misconduct may have been attributed to her mental health issues while in service as evidenced by her diagnoses and inpatient hospitalization in-service. Accordingly, based on all of the foregoing, the Board granted Petitioner partial relief in compliance with the guidance applicable to discharges related to mental health conditions, and it otherwise denies Petitioner's requested relief.

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RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting an "Honorable" character of service, "Secretarial Authority" narrative reason for separation, "MILPERSMAN 1910-164" separation authority, and "JFF" SPD Code.

That Petitioner be issued an honorable discharge certificate.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

2/3/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]