



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

e. On 17 October 1985, Petitioner received a second NJP for larceny and falsely assuming the identity of another person with a false social security number to obtain telephone services.

f. On 10 December 1985, Petitioner was issued an administrative remarks (Page 13) counseling concerning deficiencies in his performance and conduct. Petitioner was advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative separation.

g. On 11 December 1985, Petitioner received a third NJP for UA totaling three days.

h. On 29 January 1987, Petitioner was diagnosed with personality disorder and recommended for administrative discharge.

i. On 7 April 1987, 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 advised of, and waived his procedural right to consult with military counsel. Petitioner did not object to separation.

j. 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 from the Navy with a General (Under Honorable Conditions) characterization of service by reason of personality disorder. Petitioner's final conduct trait average was 2.6.

k. For purposes of clemency and equity consideration, the Board noted Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

l. 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:

The Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to service by definition and indicates life-long characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval service. There is no evidence that he was diagnosed with a mental health condition in military service other than a personality disorder, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition (other than a personality disorder). He has provided no medical evidence in support of his claims. Unfortunately, his personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with his misconduct. Additional records (e.g., post-service mental health records describing the

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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 mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct could be attributed to a mental health condition other than to a personality disorder."

## 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. Although not specifically requested by the Petitioner, the Board determined that Petitioner's narrative reason for separation, separation code, and separation authority should be changed to reflect a Secretarial Authority discharge in the interests of justice to minimize the likelihood of negative inferences being drawn from his naval service in the future.

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 to change his reentry code along with his contentions that he suffered from a personality disorder that affected his behavior.

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. Similarly, 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. Finally, the Board concurred with the AO in that there is insufficient evidence of a mental health condition that may be attributed to military service, and there is insufficient evidence that his misconduct could be attributed to a mental health condition other than personality disorder. 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 granting Petitioner the relief he requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined Petitioner's request does not merit relief.

## 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:

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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.

2/2/2023

[REDACTED]  
Executive Director  
[REDACTED]