



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

[REDACTED]  
Docket No. 7168-22  
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) 10 U.S.C. § 1552  
(b) SECDEF memo, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD," of 3 September 2014  
(c) USD memo, "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or Traumatic Brain Injury (TBI)," of 24 February 2016  
(d) USD memo, "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," of 25 August 2017  
(e) USD memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149  
(2) Case summary  
(3) Advisory Opinion of 23 January 2023

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 his characterization of service be upgraded. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 8 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, and applicable statutes, regulations, and policies to included references (b) through (f). Additionally, the Board considered enclosure (3), the 20 October 2022 Advisory Opinion (AO) furnished by a qualified mental health provider. Although Petitioner was provided an opportunity to comment on the AO, he chose not to do so.

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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 the enclosure was not filed in a timely manner, the statute of limitation was waived in accordance with reference (d).

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 6 April 1989.

d. On 29 June 1989, he was referred by the chaplain to medical for poor adjustment to the Navy. Petitioner had complained of anxiety, fatigue, loneliness, memory problems, headaches and fear of losing control around people. He was diagnosed with a personality disorder and found unsuitable for continued military service. It was recommended that he be separated from military service as soon as possible. As a result, he was issued a counseling warning that if he could not correct his deficiency, he would be processed for separation.

e. On 19 July 1989, he was notified for separation for Convenience of the Government, Personality Disorder. He waived all his rights and did not object to the separation characterization. Petitioner was discharged on 4 August 1989 and issued a DD Form 214 that reflects his narrative reason for separation as "Other Physical/Mental Conditions – Personality Disorders" and a RE-4 reentry code.

f. Post-discharge, the Petitioner applied to this Board for his reentry code be changed. The Board denied Petitioner's request, on 17 July 1990, after determining his discharge was proper as issued.

g. Petitioner contends that his marital problems caused mental health issues. Based on this argument, he requested an upgrade in his discharge. He asserts that he was a good Sailor and was never in trouble.

h. In light of the Petitioner's assertion of Mental Health Condition, the Board requested enclosure (3). The AO stated in pertinent part:

The Petitioner contends that marital problems caused mental health issues and that he should not have received an uncharacterized discharge. 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 this period of service, the information he chose to disclose to 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, since they are not typically amendable to treatment within the operational requirements of naval service. Unfortunately he has provided no medical evidence to support his claims, and his personal statement

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is not sufficiently detailed to establish clinical symptoms. 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 mental health condition that may be attributed to military service other than a personality disorder. There is insufficient evidence that his entry level separation was in error or that it should be characterized."

#### 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 the DD Form 214.

Notwithstanding the below recommended correction action, the Board determined Petitioner's reentry code remains appropriate in light of his unsuitability for further military service.

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 along with his contentions that he was having marital problems.

After thorough review, the Board concluded that Petitioner's potentially mitigating factors were insufficient to warrant relief. In making the finding, the Board determined that Petitioner was appropriately assigned an uncharacterized entry level separation based on his time in service. Service regulations direct an uncharacterized entry level separation for members processed for separation in their first 180 days of active duty service. While a member may be assigned a characterized discharge in cases involving exceptional performance or misconduct, the Board found that neither of those exceptions applied in Petitioner's case. Further, the Board concurred with the AO in that there is insufficient evidence that his entry level separation was in error or that it should be characterized. 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.

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

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RECOMMENDATION:

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 changes be made to Petitioner's 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 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/21/2023

[REDACTED]  
Executive Director  
[REDACTED]