



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

[REDACTED]
Docket No. 8931-22

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]
[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo of 3 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/ enclosures
(2) Advisory Opinion (AO) of 1 May 23

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 discharge be upgraded and that her narrative reason for separation be changed. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 May 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, applicable statutes, regulations, and policies, to include references (b) through (e). Additionally, the Board also considered enclosure (2), an advisory opinion (AO) furnished by qualified mental health provider, which was previously provided to Petitioner. Although Petitioner was afforded an opportunity to submit a rebuttal, she chose not to do so.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner did not file her application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Petitioner enlisted in the Navy and began a period of active duty on 20 June 2005. Records from her enlistment physical records did not report any significant medical history.

b. Petitioner served without documented disciplinary action for the duration of her active service. She received three enlisted performance evaluations, with no trait marks below 3.0 and a trait average of 3.0 or higher on each report. She was Blue Jacket of the Month for August of 2006, completed over 95 percent of her Plane Captain professional qualifications, and dedicated numerous off-duty hours volunteering.

c. Although Petitioner's service health records were not available for review, a post-discharge documentary review conducted by Naval Discharge Review Board (NDRB) appears to have included her service treatment records, with documented mental health treatment during her military service beginning 6 June 2006. Per the review conducted by NDRB, her mental health treatment records reflected per-service mental health treatment history for a suicide attempt in the seventh grade and a 3-month hospitalization for depression, which had not been reported in her pre-service medical screening.

d. On 16 January 2008, Petitioner's squadron suffered a catastrophic helicopter crash which resulted in the death of three crew members.

e. Petitioner's administrative discharge records were not available for review. Her final evaluation was issued on the occasion of her separation from service with a trait average of 3.0 documenting her continued hard work and dedication in successfully completing her duties.

f. Petitioner was discharged with a general under honorable conditions on 1 February 2008 for the narrative reason of "Condition, Not a Disability" with a reentry code of "RE-3G."

g. In her previous application to NDRB in 2009, Petitioner sought a change to her reentry code, expressing a desire to reenlist and contending that she had served honorably. NDRB likewise noted that her administrative separation records were not available for review.

h. Petitioner contends that she was dealing with unforeseen circumstances during her military service which included abuse and infidelity by her spouse, which led to her initial mental health difficulties. She states that the additional exposure to the helicopter crash in January 2008 caused her further mental strain and affected her ability to remain serving in the Navy. Although she did not provide supporting medical records, she submitted a copy of a request to the Department of Veterans Affairs for the release of her health records. She also submitted evidence of post-discharge accomplishments, to include her undergraduate transcripts, her diploma for a Bachelor of Science in Applied Management, and three recent civilian service Achievement Medals from the Department of the Army in recognition of her performance with the US Army Corps of the Engineers.

i. Because Petitioner contends that a mental health condition affected her discharge, the Board requested the AO at enclosure (2) for consideration. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation during her enlistment and properly evaluated, including during an inpatient hospitalization. The decision to separate her from the military was based on observed behaviors and performance during her period of service, the information she chose to

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disclose, and the psychological evaluation performed by the mental health clinicians. It is likely if she had disclosed her mental health history during her reenlistment physical, she would not have been accepted into the military. It appears that her mental health concerns were appropriately considered during separation proceedings.

The AO concluded, "it is my clinical opinion there is evidence of a preservice mental health condition experienced during military service. There is evidence to attribute the circumstances of her separation to a mental health condition."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants favorable action in the form of relief on the basis of clemency. The Board reviewed her application under the guidance provided in references (b) through (e).

Although the NDRB review accurately posited that Petitioner's failure to disclose known mental health treatment could have been alternatively processed under fraudulent enlistment with a potential discharge under other than honorable conditions, the Board favorably considered Petitioner's evidence of post-discharge character, to include her completion of her undergraduate degree and her Federal service as a civilian, for which she has been formally recognized through achievement awards in response to disaster relief missions. Further, the Board weighed her positive performance while on active duty and the lack of any documented misconduct in her record. Accordingly, the Board determined that it is in the interest of justice, and purely as a matter of clemency, to upgrade Petitioner's characterization of service and change her record to reflect a Secretarial Authority separation.

Notwithstanding the recommended corrective action, the Board determined her reentry code remains appropriate in light of her documented mental health issues and unfitness for further military service.

RECOMMENDATION

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 1 February 2008, her characterization of service was "Honorable," the discharge authority was "MILPERSMAN 1910-164," her narrative reason for separation was "Secretarial Authority," and her separation code was "JFF."

That Petitioner be issued an "Honorable" discharged certificate.

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

A copy of this report of proceedings be filed in Petitioner's naval record.

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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.

5/17/2023

