



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

[REDACTED]  
Docket No. 9229-22

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] USN, [REDACTED]

Ref: (a) Title 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 with attachments  
(2) Case summary

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 his naval record be corrected to upgrade his characterization of service and make other conforming changes to his DD Form 214, Certificate of Release or Discharge from Active Duty following his discharge for a personality disorder.

2. The Board, consisting of [REDACTED], and [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, and applicable statutes, regulations, and policies, to include references (b) – (e). Additionally, the Board also considered the advisory opinion (AO) furnished by qualified mental health provider.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although enclosure (1) was not filed 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. The Petitioner originally enlisted in the U.S. Navy and began a period of active service on 23 November 1987. Petitioner's pre-enlistment physical examination, on 15 October 1987, and self-reported medical history both noted no neurologic or psychiatric conditions or

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
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symptoms. After completing a period of Honorable service, on 1 May 1992, Petitioner reenlisted for another four years.

b. In July 1994, Petitioner underwent a mental health evaluation at Naval Hospital [REDACTED]. The staff attending psychologist (SAP) diagnosed Petitioner with a personality disorder of such severity as to interfere with Petitioner serving adequately in the Navy. The SAP determined that Petitioner did not possess a severe mental disease or defect and was considered competent. The SAP concluded that Petitioner was a continuing risk to do harm to himself or others and strongly recommended his expeditious administrative separation.

c. On 2 August 1994, Petitioner's command initiated administrative separation proceedings on the basis of a diagnosed personality disorder. Petitioner waived his rights to consult with counsel and submit a statement. Ultimately, on 3 August 1994, Petitioner was discharged from the Navy for a personality disorder with a General (Under Honorable Conditions) (GEN) discharge characterization and assigned an RE-4 reentry code.

d. Based on his available service records, Petitioner's overall conduct trait average assigned on his periodic performance evaluations during his enlistment was 4.0 (out of 4.0). Navy regulations in place at the time of his discharge recommended a minimum trait average of 3.0 in conduct (proper military behavior), for consideration for a fully honorable characterization of service.

e. The Naval Military Personnel Manual (MILPERSMAN) in effect at the time of Petitioner's service stated that the default characterization of service for personality disorder separations is Honorable unless a GEN is warranted under the circumstances.

f. In short, Petitioner contended that was erroneously administratively discharged with a GEN instead of an Honorable because his command viewed him as useless given his medical diagnosis. As part of the review process, the BCNR Physician Advisor, who is a licensed clinical psychologist (Ph.D.), reviewed Petitioner's contentions and the available records and issued an AO on 5 May 2023. The Ph.D. stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. 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. Post-service, VA clinicians have diagnosed PTSD and other mental health concerns that have been attributed to military service. It is possible that mental health concerns considered characterological deficiencies in service have been re-conceptualized as mental health diagnoses.

The Ph.D. concluded, "it is my clinical opinion there is post-service evidence from VA clinicians of diagnoses of PTSD and another mental health condition that may be attributed to military service. There is evidence to attribute the circumstances of his separation to these mental health conditions."

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
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## CONCLUSION

Upon review and liberal consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief.

In keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, the Board believed that there was an injustice in ultimately separating the Petitioner with a GEN characterization for service. The Board noted that not only were there no instances of adjudicated or documented misconduct in Petitioner's service record, but that Petitioner's conduct trait average was well above what the Navy recommended for honorable discharge characterization consideration. With that being determined, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner's service as having been under GEN conditions. Especially in light of the Wilkie Memo, the Board concluded after reviewing the record holistically and given the totality of the circumstances, that a discharge upgrade is appropriate at this time.

Additionally, the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior 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 also warranted to the DD Form 214.

Notwithstanding the corrective action recommended below, the Board did not find a material error or injustice with the Petitioner's RE-3G reentry code. The Board noted that the RE-3G reentry code directly corresponds to: "condition (not physical disability) interfering with the performance of duty," and is the appropriate designation given the totality of the circumstances in his case. The Board further noted that the RE-3G reentry code may not prohibit reenlistment, but requires that a waiver be obtained, and that recruiting personnel are responsible for determining whether Petitioner meets the standards for reenlistment and whether or not a request for a waiver of the reentry code is feasible. Accordingly, the Board concluded the Petitioner was assigned the correct reentry code based on the totality of his circumstances, and that such reentry code was proper and in compliance with all Navy directives and policy at the time of his discharge.

## RECOMMENDATION

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

That Petitioner's character of service be changed to "Honorable," the separation authority be changed to "MILPERSMAN 1910-164," the separation code be changed to "JFF," and the narrative reason for separation should be changed to "Secretarial Authority."

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

Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty.

Petitioner shall be issued a new Honorable Discharge Certificate.

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

5/15/2023

[REDACTED]

Deputy Director

[REDACTED]