



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

█  
Docket No. 280-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
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Ref: (a) 10 U.S.C. § 1552  
(b) USD Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018  
(c) DoDI 1332.14 of 27 Jan 14 (Enlisted Administrative Separations)

Encl: (1) DD Form 149 w/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, hereinafter referred to as the Board, requesting that her entry-level separation be upgraded to "Honorable."
2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 27 January 2023 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on Petitioner's naval record. Documentary material considered by the Board included the enclosures, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include references (b) and (c).
3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or 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, it is in the interest of justice to review the application on its merits.
  - c. Petitioner enlisted in the Navy and began a period of active duty service on 15 March 1993.

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d. On 3 August 1993, Petitioner received administrative counseling for “failure to make a reasonable effort to adapt to the naval environment by visiting the medical department continuously, complaining of physical problems when there was no medical condition present, and she was issued warnings regarding the potential for separation if she did not correct her deficiencies. That same day, she was referred to the Chaplain for counseling.

e. In a letter to Petitioner’s commanding officer, the Command Chaplain described Petitioner as tearful, emotionally distressed, and unable to make eye contact, crying throughout the interview and staring at the floor. His letter outlined the following details:

- Petitioner reported pre-service history of recently having been raped by her mother’s boyfriend in December of 1992, admitting that she had joined the Navy in an attempt to escape her home environment.
- She had an abortion approximately 1 year prior to enlisting.
- She experienced difficulty reporting to work and concentrating.

From this counseling, the Chaplain assessed that Petitioner needed long-term counseling and professional help due to her lack of coping skills or ability to process her psychological and emotional problems. He deemed her a liability due to her inability to focus or adapt and recommended that she be processed for an entry-level separation.

f. On 9 August 1993, the Chaplain submitted another letter to Petitioner’s commanding officer reiterating his recommendation for entry-level separation due to inability to adapt to Navy life or to cope with her feelings related to her pre-service rape and abortion.

g. Petitioner’s notice of administrative separation identified the general basis of entry-level performance and conduct identified with the specific basis of incapability, lack of reasonable effort, and failure to adapt to the naval environment, with a least favorable characterization of General (under honorable conditions). She waived all applicable rights and did not oppose the separation.

h. The command letter reporting Petitioner’s entry-level separation with uncharacterized service to Commander, [REDACTED] identified that no psychiatric or medical evaluation had been conducted in conjunction with Petitioner’s administrative separation processing, and she was discharged on 26 August 1993 with 5 months and 12 days of service.

i. Petitioner contends that the characterization of service on her Certificate of Release or Discharge from Active Duty (DD Form 214) is either erroneous or unjust because it is not the same as that shown in her records with the Department of Veteran’s Affairs (VA). In support of her contention she submitted a copy of her VA proof of identification which states that she served honorably. Additionally, she contends that she this correction should be made due to employment reasons.

j. Reference (c) directs that “separation will be described as an entry-level separation (Uncharacterized) if separation processing is initiated while an enlisted service member is in an entry-level status (the first 180 days of continuous active service) except when characterization

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under other than honorable conditions is authorized under the reason for separation and warranted by the circumstances or when the Secretary, on a case-by-case basis, determines the presence of unusual military duty warranting characterization as honorable.”

#### CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that partial relief is warranted in the interest of justice with respect to Petitioner’s basis of separation only.

In regard to Petitioner’s request for an upgraded characterization of service, the Board applied the guidance in reference (c) regarding characterization of service while in an entry-level status. Specifically, the Board found no evidence of “unusual military duty” which might warrant an “Honorable” characterization of service and concluded that the description of “Uncharacterized” was appropriate in consideration of Petitioner’s 5 months and 12 days of service. To this extent, the Board noted that “Uncharacterized” service does not reflect negatively upon Petitioner or indicate that her service was other than honorable; rather, it merely indicates that her total period of service did not exceed a continuous 180 days. Further, the Board noted that the VA’s purposes in identifying Petitioner’s service as honorable is distinct from the characterization of service issued in her DD Form 214 and not binding upon the Board; therefore, the Board found no error or discrepancy with her “Uncharacterized” service in relation to her VA identification. As a result, the Board found that Petitioner’s “Uncharacterized” entry-level service is described appropriately and does not warrant a change or upgrade.

Unlike Petitioner’s “Uncharacterized” service, however, the Board observed that the basis associated with the narrative reason for separation of “entry-level performance/conduct” specifically indicates that a service member’s discharge was potentially due to minor disciplinary infractions, lack of effort, general inability, or failure to adapt and, therefore, carries negative connotations with respect to entry-level service notwithstanding Petitioner’s “Uncharacterized” discharge. Petitioner was issued administrative counseling documenting “failure to adapt,” which the Board noted was due to her repeated medical visits for physical problems with “no medical condition present.” With respect to this purported deficiency, however, the Board found definitive evidence that Petitioner never received any mental health evaluation in spite of clear evidence in the letters from the Command Chaplain that Petitioner was experiencing significant psychological and emotional distress, lacked coping skills, and needed “professional” counseling to help her process her recent rape and abortion. The Board found that, at a minimum, Petitioner should have received a mental health evaluation prior to her apparently expeditious separation and, regardless of the lack of professional diagnosis, that Petitioner more likely than not suffered from mental health issues which existed prior to her entry to active duty. To the extent that Petitioner was never afforded the benefit of an appropriate mental health evaluation, the Board concluded that the specific basis of entry-level performance and conduct was unjust and resulted in an inequitable and negative narrative reason for separation as opposed to either an erroneous enlistment due to a pre-existing, disqualifying condition or for the convenience of the government due to an unsuitable condition. Accordingly, the Board determined that Petitioner’s request merited partial relief with respect to changing her narrative reason for separation to “Secretarial Authority.”

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RECOMMENDATION:

In view of the above, the Board directs the following partial corrective action:

That Petitioner be issued a new DD Form 214 reflecting that her narrative reason for separation was "Secretarial Authority"; that her separation authority was "MILPERSMAN 3630900"; and, that her separation code was "JFF" with no other changes.

That no further corrective 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 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.

3/20/2023

