



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

█  
Docket No. 1964-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █, USN,  
XXX-XX-█

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 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 his discharge be upgraded.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 30 October 2023, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies to included references (b) through (e). In addition, the Board also considered an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was provided an opportunity to respond the AO, he chose not to do so.

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 enclosure (1) was not filed in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

c. Petitioner enlisted in the Navy on 12 March 2002. On 3 August 2003, Petitioner was medically evaluated and admitted to suicidal ideations. On 23 October 2003, he completed a

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

Minnesota Multipheoic Personality Inventory at Naval Hospital [REDACTED] which determined he was a poor candidate for further psychotherapy due to his failure to make use of skills learned and progress in individual therapy. Petitioner was subsequently diagnosed with a Personality Disorder not otherwise specified: Schizoid and Dependent Traits. Based on his DD Form 214, Petitioner was eventually discharged with a General (Under Honorable Conditions) (GEN) characterization of service by reason of Personality Disorder. Some documents from his administrative separation are not in Petitioner's record.

d. Petitioner contends: (1) he was the victim of physical harm, hazing, sexual assault and sexual harassment, (2) no one did anything about it, (3) he "cranked" for longer than required, and (4) he is bipolar. Additionally, Petitioner provided a personal statement with a quote from [REDACTED], a professor of psychiatry at the [REDACTED] and added, "You kicked me out in less than 2 years and blamed it on bipolar disorder. You have to prove to me that you were correct. That is the situation we're in."

e. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and provided the Board with an advisory opinion (AO). The AO stated in pertinent part:

The Petitioner indicated that he was diagnosed with a Bipolar Disorder as well as having been the victim of assault. There is no evidence that the Petitioner was diagnosed with a mental health condition or was the victim of assault while in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. 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 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."

f. For purposes of clemency and equity consideration, Petitioner provided a personal statement.

g. Petitioner was previously denied relief by the Naval Discharge Review Board on 12 September 2007.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants favorable action in the form of partial relief. In keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, 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

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

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

With regard to Petitioner's request that his characterization of service be upgraded, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, Petitioner's desire for a discharge upgrade and the previously discussed contentions. After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board relied upon the presumption of regularity in determining that Petitioner's assigned characterization of service remains appropriate. The Board noted Petitioner did not provide substantial evidence to rebut the presumption of regularity in his case. Therefore, while the Board carefully considered the evidence Petitioner submitted in mitigation, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief he requested or granting him relief as a matter of clemency or equity. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

#### RECOMMENDATION:

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

Petitioner be issued a new DD Form 214, for the period ending 19 November 2003, indicating the narrative reason for separation as "Secretarial Authority," the separation authority as "MILPERSMAN 1910-164," and the separation code as "JFF."

No further changes be made to Petitioner's record.

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

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

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

11/8/2023

