



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

█
Docket No. 2151-23
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) 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 her naval record be corrected by changing her discharge characterization of service from General (Under Honorable Conditions) to Honorable on her Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegation of injustice on 23 October 2023 and, pursuant to its regulations, determined 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 the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

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, 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 on 27 September 2000. Unfortunately, the documents pertinent to Petitioner's administrative separation are not in her official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties.

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Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that she was separated from the Navy on 14 March 2008 with a General (Under Honorable Conditions) characterization of service, her narrative reason for separation is "Personality Disorder," her separation code is "HFX," and her reenlistment code is "RE-3G." At the time of her discharge, Petitioner possessed a 3.0 trait average in conduct.

d. Petitioner contends since receiving a General (Under Honorable Conditions) discharge, she learned from her past mistakes and strived to improve in the civilian sector. Petitioner finally had the courage to leave the toxic relationship that contributed to her diagnosis and discharge from the military. Petitioner claims she became a single parent and raised her son and was given the opportunity to raise her daughter as well. Petitioner states she had to set a good example for them as she wants them to grow up and be strong and successful individuals. Petitioner became involved in her church to seek positive support from her fellow parishioners, and she returned to school and completed a Master of Leadership Development degree. Petitioner contends she is currently trying to get into a doctorate program in educational leadership. Petitioner is also claiming that she is the Executive Director of an early childhood development center, in which she supervises three staff members as well as work alongside a Board of Directors. Petitioner states aside from this and raising her son, she also takes care of her elderly father and special needs brother. Petitioner contends since her discharge from the military, she worked hard and learned from her past. For purposes of clemency and equity consideration, the Board noted Petitioner provided advocacy letters that describe post-service accomplishments.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants full relief. Specifically, the Board noted Petitioner was discharged due to a personality disorder diagnosis that should have resulted in an assigned characterization based on type warranted by her service record. The Board concluded that a diagnosis of personality disorder constituted disqualification for further service and warranted a discharge under regulatory guidance. Based on her 3.0 trait average for conduct, the Board determined Petitioner was eligible for an Honorable characterization of service. Therefore, in light of reference (b) and after reviewing the record holistically, given the totality of the circumstances, the Board concluded Petitioner's discharge characterization should be upgraded to "Honorable."

Further, in keeping with the letter and spirit of reference (b), 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.

RECOMMENDATION:

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

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Petitioner be issued a new DD Form 214 and new discharge certificate indicating an “Honorable” characterization of service, a narrative reason for separation of “Secretarial Authority,” separation code of “JFF,” reentry code of “RE-1J,” and the separation authority of “MILPERSMAN 1910-164.”

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 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.

11/7/2023

