



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

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Docket No. 3657-23

Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your reconsideration application on 19 May 2023. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the U.S. Navy and entered active duty on 6 June 1989. Your pre-enlistment physical, on 11 October 1988, and self-reported medical history both noted no neurologic or

psychiatric conditions and/or symptoms.

On 17 July 1989, you were evaluated at the Recruit Evaluation Unit (REU) at Recruit Training Command, ██████████ (RTC). You were diagnosed with a dependent personality disorder and manipulative claims to be suicidal. The REU Medical Officer (MO) noted that you were referred to the REU because you had been displaying little effort and acting as if you wanted to quit, and that you cited personal problems at home and an inability to understand English. The MO also noted that your performance at initial recruit training had been rated as poor and characterized by continuing counseling on your “hardcard.” The MO recommended your entry-level separation (ELS) due to your failure to adapt.

On 20 July 1989, your command issued you a letter of warning (LOW) documenting your unsatisfactory entry-level performance as evidenced by your incapability to attain the RTC academic standard of a certain reading level. The LOW advised you that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative separation.

On 21 July 1989, your command issued you a “Page 13” counseling warning (Page 13) documenting your failure to adapt to the military environment. The Page 13 warned you that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative separation. A notation on your “hardcard,” dated 24 July 1989, stated you violated your LOW, and that you indicated to your command you had no desire to be in the Navy.

On 24 July 1989, your command provided you notice that you were being processed for an administrative discharge from the Navy by reason of your entry level performance and conduct as evidenced your non-adaptability to the military environment. You elected in writing to waive your rights to consult with counsel and to submit a written statement to the separation authority. Ultimately, on 4 August 1989, discharged from the Navy with an uncharacterized ELS, and assigned a separation code of “JGA” and an “RE-4” reentry code. The “JGA” separation code corresponds to the narrative reason for separation of “entry level performance and conduct,” and is the appropriate designation in cases such as yours. In this regard, you were assigned the correct characterization, narrative reason for separation, and reentry code based on your factual situation as you were still within your first 180 days of continuous military service and had not yet completed initial recruit training.

On 9 January 2023, this Board denied your first petitioner for discharge upgrade relief.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to your desire for a discharge upgrade and change to your narrative reason for separation to disability. In addition, you contend that: (a) a teenager experiencing mental health symptoms with suicidal ideation must qualify as unusual circumstances involving personal conduct, (b) you witnessed in boot camp a fellow Sailor being

sent home because of a back injury, (c) although your injuries can not or could not have been seen they are still cognizable injuries, (d) you have worked very hard to maintain your mental health stability since being diagnosed with your debilitating condition in 2007, and (e) the Social Security Administration determined you were disabled under their administrative rules on 29 April 2010. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In accordance with the Hagel, Kurta, and Wilkie Memos, the Board gave liberal and special consideration to your record of service and your contentions about any traumatic or stressful events you experienced and their possible adverse impact on your service. However, the Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade or change to your narrative reason for separation. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

The Board determined that you were appropriately referred and properly evaluated at RTC REU, and that your personality disorder diagnosis was based on observed behaviors and performance during your brief period of active duty service, the information you chose to disclose, and the psychological evaluation performed by the mental health clinician at the REU. The Board determined that there was no evidence your personality diagnosis was in error. The Board further determined that the circumstances surrounding your separation appeared to be consistent with your diagnosed personality disorder and inability to adapt to the military environment, rather than evidence of another mental health condition incurred in or exacerbated by military service. The Board also determined there was insufficient evidence of a mental health condition that may be attributed to your military service, and insufficient evidence the circumstances of your separation could be attributed to a mental health condition, other than your diagnosed personality disorder.

Additionally, the Board noted that separations initiated within the first 180 days of continuous active duty will be described as ELS except in those limited Navy cases: (a) when an Honorable discharge is approved by the Secretary of the Navy in cases involving unusual circumstances not applicable in your case, or (b) where processing under a more serious basis is appropriate and where characterization of service under Other Than Honorable conditions (OTH) upon discharge is warranted. As a result, while the Board carefully considered the evidence you submitted in mitigation, even in light of the Wilkie Memo and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Lastly, the Board denied your request to receive a set of military dog tags. The Board noted that because dog tags are issued to Sailors/Marines for identification purposes only, there is no

provision for replacement dog tags once you leave active military service. If you wish to have your dog tags replaced, there are a variety of commercial companies that offer to print them for a fee at your own expense.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

5/30/2023

