



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

██████████
Docket No. 3711-23
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, ██████████

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF memo, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD," of 3 September 2014 (Hagel Memo)
(c) USD memo, "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records by Veterans Claiming PTSD or Traumatic Brain Injury (TBI)," of 24 February 2016
(d) USD memo, "Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment," of 25 August 2017 (Kurta Memo)
(e) USD memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion of 13 Nov 23

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 basis for separation be changed to reflect a Secretarial Authority discharge. Enclosures (1) through (4) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 5 January 2024, 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) through (e). Additionally, the Board considered enclosure (4), an advisory opinion (AO) furnished by qualified mental health provider. Although Petitioner was afforded an opportunity to submit a rebuttal to the AO, he chose not to do so.

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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 the enclosure was not filed in a timely manner, the statute of limitations was waived in accordance with reference (d).

c. Petitioner enlisted in the Navy and began a period of active service on 20 December 1995. He was diagnosed with personality disorder and discharged, on 14 February 1997, with an Honorable (HON) characterization of service. He was issued a DD Form 214 with a narrative reason for separation of "Personality Disorder," and assigned an RE-3G reentry code.

d. Petitioner contends he was diagnosed with personality disorder in error, and that it should be corrected so he can move forward in his life without the stigma of "personality disorder" on his discharge documents. He contends the government examined him and found no personality disorder during his enlistment examinations, but then the Navy diagnosed him with a personality disorder. He contends that later mental health professional exams found he had no personality disorder. He contends a personality disorder is not a temporary condition, so it is not possible he had the disorder and now no longer has it. Lastly, he contends his latest exams prove he does not have a personality disorder. In support of his application, he submitted a brief by his legal counsel, a personal statement, excerpts from his Department of Veterans Affairs and medical records, an advocacy letter from his lifestyle coach, and two journalism articles.

e. In light of Petitioner's assertion of Mental Health Condition, the Board requested enclosure (4). The AO states in pertinent part:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated on multiple occasions, including during an inpatient hospitalization. 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 evaluations performed by two mental health clinicians. The diagnosis was conservatively assigned, after multiple encounters with behavioral health services. Unfortunately, he has provided no medical evidence to support his claims. His in-service behavior appears to be consistent with his diagnosed personality disorder, rather than evidence of another mental health condition incurred in or exacerbated by military service. Additional records (e.g., post- service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) may aid in rendering an alternate opinion.

The AO concluded, "based on the available evidence, it is my clinical opinion there is insufficient evidence of error in his in-service diagnosis.

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CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants relief. Notwithstanding Petitioner's claim that his diagnosis was made in error, in keeping with the letter and spirit of references (b) through (d), the Board determined that it would be an injustice to label one's discharge as being for a diagnosed personality 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.

However, in reviewing Petitioner's record, the Board concluded his assigned reentry code remains appropriate in light of his diagnosis. In making this finding, the Board relied upon the AO which determined there is insufficient evidence to find Petitioner's in-service diagnosis was made in error. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the above, the Board recommends the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new DD Form 214 indicating his narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 1910-164."

That no further changes be made to Petitioner's record.

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 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.

1/30/2024

