



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

█  
Docket No. 6404-23

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) Title 10 U.S.C. §1552  
(b) USD Memo of 25 Aug 17 (Kurta Memo)  
(c) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record (excerpts)  
(4) Advisory Opinion of 8 Jan 24

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting her discharge characterization be upgraded to Honorable. Enclosures (1) through (4) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 22 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) and (c). Additionally, the Board also considered enclosure (4), an advisory opinion (AO) furnished by qualified mental health provider, which was considered favorable to the Petitioner.

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 and began a period of active service on 9 August 2005.

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d. On 20 January 2006, Petitioner was issued an administrative remark (Page 13) counseling concerning her diagnosed adjustment disorder with Depressed Mood and Personality Disorder (Not Otherwise Specified) with Dependent Features. Petitioner was given recommendations for improvement of performance and was advised that any further deficiencies in her performance and/or conduct would terminate the reasonable period of time for rehabilitation inferred by the counseling and could result in disciplinary action and in processing for administrative discharge.

e. On 31 January 2006, Petitioner was seen by the ship's psychologist who made the following recommendation: "This service member gave evidence of being unqualified for further naval service by reason of unsatisfactory performance and conduct as evidenced by an incapability to adequately adapt to the naval environment. Recommend Entry Level Separation for nonadaptability/unsuitability in accordance with MILPERSMAN 1910-154 (separation by reason of entry level performance and conduct)."

f. On 1 February 2006, Petitioner was notified of administrative separation processing by reason of Entry Level Performance and Conduct. Petitioner waived her rights to consult with counsel, to submit a written statement for consideration by the Separation Authority, and her right to request General Court-Martial Convening Authority (GCMCA) review.

g. On 15 February 2006, Petitioner's commanding officer directed discharge of Petitioner by reason of Entry Level Performance and Conduct, noting that in spite of considerable time spent by her chain of command and the ship's psychologist, Petitioner was unable to adapt to the Naval service and her need for constant intervention in a high operational tempo environment represented a threat to her and the integrity of the command.

h. Petitioner was discharged on 17 March 2006 and issued a DD Form 214 that erroneously documented her character of service as "Enter (sic) Level Separation."

i. Petitioner contends she developed a personality disorder while in the Navy, the Navy did not recognize her ailment as a mental health condition, that she served honorably, that she was being considered for early promotion, and that she was given an erroneous Entry Level Separation because she was not given credit for her time in boot camp.

j. As part of the Board's review, the Board considered enclosure (4). The AO states in pertinent part:

This opinion only addresses the mental health claims of the Petition. I have reviewed the petition(s) and all available military service and medical records. Petitioner entered active duty in the US Navy in August 2005.

In January 2006, she received two mental health evaluations. She was formally counseled regarding her mental health diagnoses, which were Personality Disorder Not Otherwise Specified (NOS) with Dependent features and Adjustment Disorder with Depressed Mood.

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In March 2006, she received an entry level separation. Her complete service medical record was not available for review.

Petitioner was appropriately referred for psychological evaluation and properly evaluated during her enlistment. Her adjustment and personality disorder diagnoses were based on observed behaviors and performance during her period of service, the information she chose to disclose, and the psychological evaluation performed by the mental health clinician.

A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service.

An adjustment disorder indicates difficulty adapting to military life and typically resolves following separation from service.

Her in-service performance appears to be consistent with her diagnosed personality disorder, rather than evidence of another mental health condition incurred in or exacerbated by military service.

The AO concluded, "it is my clinical opinion there is in-service evidence of a mental health condition (adjustment disorder) that may be attributed to military service. There is in-service evidence to attribute the circumstances of her separation to a mental health condition (personality disorder)."

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. Specifically, the Board determined Petitioner's DD Form 214 should be corrected to accurately document Petitioner's character of service as "Uncharacterized" per MILPERSMAN 1910-154 and 1910-308.

As a result, the Board concluded that Petitioner's record shall be reviewed, and that corrections shall be made to Blocks 24, as appropriate, based on Petitioner's Entry Level Performance and Conduct separation reason.

Notwithstanding the recommended corrective action below, the Board found no error in Petitioner's separation for Entry Level Performance and Conduct. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with references (a) through (c). These included, but were not limited to, Petitioner's desire for a discharge upgrade and the previously mentioned contentions raised in her application.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant granting the relief requested. Petitioner was properly notified of her performance and conduct deficiencies after repeated assistance from her chain of command and the ship's psychologist. Additionally, Petitioner was processed for separation, within one-

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hundred-eighty days of her commencing active service, and waived her rights to submit a statement or request GCMCA review. Further, the Board found no error in Petitioner's credited time-in-service of seven months and nine days.

Additionally, the Board considered the AO that determined that while there is in-service evidence of a mental health condition (adjustment disorder) that may be attributed to military service, an adjustment disorder indicates difficulty adapting to military life and typically resolves following separation from service. The Board further noted that while there is in-service evidence to attribute the circumstances of her separation to a mental health condition (personality disorder), the AO opined that personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service.

As a result, the Board concluded the Petitioner's period of service warrants an uncharacterized entry level service. The Board noted that service regulations direct the issuance of an uncharacterized entry level separation when a member is processed for separation within their first 180 days of active service. While there are exceptions to this policy in cases involving extraordinary performance or misconduct, the Board determined neither exception applied in Petitioner's 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 she requested or granting her requested relief as a matter of clemency or equity.

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

#### RECOMMENDATION

Navy Personnel Command shall conduct a review of Petitioner's record of service and make necessary corrections to Block 24 of Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214).

Petitioner shall be issued a new DD Form 214, based on any identified errors.

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

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

2/8/2024

