



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

█
Docket No. 6637-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █, █,
USNR, 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 for a change to his narrative reason for separation, separation code, and reentry code.

2. The Board, consisting of █, █ and █, reviewed Petitioner's allegations of error and injustice on 27 September 2023 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 reference (b).

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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. After a period of enlisted service, on 15 November 2002, Petitioner accepted commission as an Ensign in the Navy Reserve.

c. In June 2003, Petitioner was evaluated and diagnosed with alcohol dependence, adjustment disorder with depressed mood, and personality disorder not otherwise specified with obsessive compulsive and histrionic features and recommended for administrative discharge.

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

d. On 11 June 2003, Petitioner's commanding officer recommended administrative separation for convenience of the government by reason of severe personality disorder. The commanding officer stated in pertinent part:

The clinical opinion is that the member manifests a long standing disorder of character and behavior which is of such severity as to render this individual incapable of serving adequately in the U.S. Navy. Through examinations the patient is considered competent. This member does not require and will not benefit from hospitalization or psychiatric treatment in a military setting.

e. On 31 August 2003, the [REDACTED] recommended to the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)) Petitioner's administrative separation from the Navy with an Honorable (HON) character of service by reason of personality disorder.

f. On 30 October 2003, the ASN (M&RA) approved the CNP's recommendation.

g. On 1 December 2003, Petitioner was discharged from the Navy with an HON characterization of service by reason of convenience of the government - personality disorder.

h. Petitioner contends the following injustices warranting relief:

(1) He was misdiagnosed; he does not have a personality disorder which is supported by his recent psychological testing and evaluation, he simply was an immature young man who did not handle a broken engagement well; and

(2) Prior to the "incident" he had a distinguished military career and has achieved a very successful civilian career since leaving the Navy. He has regretted not serving his country further, and if given the opportunity, he will provide honorable service to the military and the USA.

i. In support of his application, Petitioner provided post-service medical documents.

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants relief in the interests of justice.

The Board determined that in keeping with the letter and spirit of the Wilkie Memo, 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 determined that Petitioner's discharge should not be labeled as being for a mental health-related condition and that certain remedial administrative change are warranted to the Certificate of Release or Discharge from Active Duty (DD Form 214).

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

The Board concluded that Petitioner's narrative reason for separation, separation code, and separation authority should be changed to reflect a Secretarial Authority discharge in the interests of justice to minimize the likelihood of negative inferences being drawn from his naval service in the future.

Regarding Petitioner's request to have his reentry code changed, in accordance with naval regulations, Naval Officers are not assigned reentry code upon separation from the naval service. Therefore, the Board found no basis for relief on this issue.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner be issued a new DD Form 214 reflecting that, for the period ending 1 December 2003, 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 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.

10/13/2023

