



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

██████████
Docket No. 6853-23
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 w/ enclosures

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, hereinafter referred to as the Board, requesting that her record be changed to upgrade her character of service.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 8 December 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, 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.

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 commenced a period of active duty on 11 October 1990. Petitioner was subsequently counseled on several occasions regarding her occupational difficulties. Eventually, she was diagnosed with occupational problems and personality disorder. Consequently, Petitioner was notified of the initiation of administrative separation proceedings by reason of convenience of the government due to personality disorder. Petitioner waived all of her procedural rights and was discharged with an entry-level separation (ELS) by reason of other physical/mental conditions-personality disorder. Petitioner served a total of 175 days of active duty.

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d. Petitioner contends she should receive an upgrade to her character of service because she completed both basic training and apprenticeship training. She further states, in part, she had no bad marks, was not properly diagnosed or treated for her condition, and received the National Defense Service Medal.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. 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 concluded that Petitioner's reason for separation nor her separation code 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.

In regard to Petitioner's request to upgrade her character of service, the Board noted no relevant evidence to adjust Petitioner's character of service. The Board noted Petitioner was notified of the initiation separation proceedings under 180 days after entering active service. Applicable regulations authorize an entry-level separation as a character of service if the processing of an individual's separation begins within 180 days of the individual's entry on active service. While there are exceptions to this policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in Petitioner's case. As a result of the foregoing, the Board found no error or injustice with the uncharacterized ELS reflected on the Petitioner's DD Form 214. Further, the Board determined Petitioner's assigned reentry code remains appropriate in light of her original basis for separation and the lack of any associated stigma.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 4 April 1991, indicating the 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.

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.

1/8/2024

