



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

██████████  
Docket No. 10619-23  
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) 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 (Board), asserting that he “was wrongfully discharged because they said [he] was (pulling [his] hair out and eating it) ... and said [he] was crazy.” He did not otherwise specify the type of relief desired; accordingly, the Board reviewed his record for evidence of either error or injustice with specific attention to the basis of separation. Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 20 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. 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. Petitioner enlisted in the Navy and began a period of active duty on 29 March 1990. His Service Health Record contains an evaluation, from 10 May 1990, reflecting that he was psychologically considered fit for full duty.

c. Petitioner received an administrative warning on 22 May 1990 regarding disciplinary infractions for “talking back” and for a suspected personality disorder. In relevant part, with

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[REDACTED]

respect to Petitioner's application, this document described that Petitioner had "pulled his hair out and eat (sic) it." The noted deficiencies were completed via typed entries which Petitioner initialed by hand.

d. On 24 May 1990, a subsequent medical Consultation Report noted that Petitioner was unable to meet minimal training standards, expressed little desire to succeed, demonstrated a lack of respect for regulations and personnel as well as consistent poor performance, and had reported decreased sleep and appetite. He was diagnosed as having a situational adjustment reaction with immaturity and poor judgment. He was found unfit for further service and issued notice of separation processing by reason of convenience of the government due to situational adjustment reaction, with a recommendation for an Entry Level Separation (ELS). Although he objected to the proposed discharge, he did not request to submit a statement.

e. Commanding Officer, [REDACTED], approved his separation under local authority and he was discharged, on 1 June 1990, with an uncharacterized ELS.

f. Petitioner contends that he was wrongfully discharged after being given the reason that he was pulling his hair out and eating it, he denies having done that, and states that nothing else was considered prior to separating him. He disagrees that he had a disqualifying mental or physical condition and states that he did not know there was anything he could do about it until now.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants favorable action in the form of partial relief. Specifically, in keeping with the letter and spirit of current guidance, 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 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.

Regarding Petitioner's assertion he was wrongfully discharged, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. After thorough review, the Board determined Petitioner was properly discharged based on his record. The Board noted that, although Petitioner's counseling entry references deficiencies in performance and conduct, he was not separated for the basis of misconduct but, rather, convenience of the government while in an ELS. Notwithstanding Petitioner's protestations regarding the validity of his in-service diagnosis, the Board noted not only the documented counseling entry regarding his deficiencies, which he acknowledged with his initials, but also the recommendation of a qualified mental health provider regarding his suitability for further service. The Board found insufficient factual evidence in Petitioner's personal statement to overcome the presumption of regularity regarding his documented behavior or the assessment of the mental health provider regarding his mental health status and the recommendation for his discharge. As a result, the Board concluded that

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[REDACTED]

Petitioner's discharge was neither erroneous nor unjust. Further, the Board determined Petitioner was appropriately assigned an uncharacterized ELS based on his active duty service that totaled less than 180 days. Finally, the Board determined his assigned reentry code remains appropriate based on his unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending 1 June 1990, that he was discharged under the authority of "MILPERSMAN 3630900," for the narrative reason for separation of "Secretarial Authority," with a separation code of "JFF" and no other changes.

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.

1/22/2024

