



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

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Docket No. 1607-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your 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 your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 4 March 2024. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your service record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the United States Navy and commenced a period of service on 15 March 2004. On 11 December 2006, you were evaluated by a military psychologist and diagnosed with "Schizotypal Personality Disorder." The treating provider noted, "Member is considered psychiatrically fit for full duty (meaning only that he does not have a medically boardable condition) at this time.) However, he is unsuitable for continued military service based on personality disorder."

On 22 December 2006, the Undersea Medical Screening Officer acknowledged your diagnosed "Schizotypal Personality Disorder" and noted that you "claim[ed] to have recurrent Homicidal Ideation even from his youth. I feel that in a situation of stress he may become Homicidal. He has been diagnosed with a behavioral condition, not amounting to a physical disability, which

significantly degrades his performance and in my opinion, it will recur in any variety of operational settings. For this reason, I recommend administrative separation under MILPERSMAN Article 1910-120.”

On 9 January 2007, you were notified that you were being processed for separation by reason of “Convenience of the Government” due to condition, not a physical disability, which interfered with performance of duty. You waived your right to consult with qualified counsel and your right to submit a statement in rebuttal. On 8 February 2007, you were discharged from the Navy with an Honorable characterization of service and assigned an RE-3G reentry code.

The Board carefully considered all potentially mitigating and/or extenuating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to your desire for a change to your separation code or reenlistment code to allow for reenlistment. You contend that: (a) you were young at the time of your service, (b) you are now comfortable with issuing and following orders, especially after your time teaching, and (c) you desire to “belong to something greater.” For purposes of clemency and equity consideration, the Board noted you provided evidence of your post-service accomplishments.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concluded that your separation from service due to a personality disorder was accurate and based on an in-service diagnosis by a mental health professional. In making this finding, the Board noted that you did not provide any evidence that your diagnosis was inaccurate or has otherwise changed since your discharge. The Board further noted that your RE-3G reentry code allows for reenlistment with proper waiver and medical evidence that you no longer suffer from a disqualifying condition. Therefore, while the Board carefully considered the evidence you submitted in mitigation, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

3/18/2024

