



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 709-01
27 July 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed an application with this Board requesting that his record be corrected by changing the reason for discharge and reenlistment code.

2. The Board, consisting of Mr. Adams, Mr. Chapman and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 24 July 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 16 July 1996 at age 18. She then served in a satisfactory manner for several years. On 28 April 1999 a clinical social worker noted as follows:

... the active duty member has indicated a potential harm to herself due to her reported trauma and due to her negative interactions with her chain of command. Action suspending (Petitioner's) clearances is felt to be necessary from a mental health perspective. Final disposition on this matter in response to specific behaviors rests with the commander. Since becoming aware of this change in mental status as relevant to security issues, notification has been made to the

proper command authorities by this officer.

The following diagnoses were made:

Post Traumatic Stress Disorder
Sexual Abuse of Adult (clinical focus is on victim)
Histrionic Personality Disorder

d. Subsequently, Petitioner stated that she was in agreement with the clinical social workers recommendation based on a "personality disorder due to stressors of past event of sexual assault." On 30 April 1999 she was notified of separation processing due to the diagnosed personality disorder. At that time, she elected to waive her procedural rights. That same day the commanding officer directed an immediate discharge. She was honorably discharged on 13 May 1999. At that time she was assigned an RE-4 reenlistment code.

e. Petitioner states that after her discharge she was evaluated by a doctor from the Department of Veterans Affairs and no evidence of a personality disorder was found. She states that at the time of the diagnosis, she was having a very hard time due to an unidentified man entering the window to her barracks room while she was sleeping. The stress continued due to "harassing e-mails, notes left on her door, and different things happening to my car." She contends that her ability to serve was impaired by these occurrences and it has been determined that her problems were caused by this unpleasant situation.

e. Attached to enclosure (2) is an advisory opinion from a psychiatrist at the National Naval Medical Center that states, in part, as follows:

... (Petitioner) apparently had some kind of dissatisfaction with the manner in which her unit handled a stalking situation. There is also mention of anxiety surrounding a sexual assault and lengthy victimization by a stalker. There is also mention of suicidality within the record. None of these finding(s) are specific evidence of Histrionic Personality Disorder, even though one may find suicidality and interpersonal difficulties in a personal (sic) who is histrionic. On the other hand, (Petitioner's) anxiety and interpersonal difficulties may have resulted from the trauma of having a stalker harassing her.

The psychiatrist concludes that although Petitioner may have a personality disorder, there is no evidence to support that diagnosis.

f. Also attached to enclosure (1) is an additional submission from a licensed clinical psychologist. The psychologist found that following two instances of sexual assault, Petitioner's symptoms most likely met DSM-IV criteria for Post Traumatic Stress Disorder and a mixed anxiety and depressive disorder. She believed her command did not take her seriously and this situation resulted in continued symptoms leading to her discharge. After interviewing Petitioner and considering the results of the psychological testing, the psychologist concludes that she does not have a personality disorder and she appears to be functioning well.

g. The Board is aware that when a reason for discharge is found to be in error and no other reason for discharge fits the circumstances, a reason for discharge of "best interest of the service" or "secretarial authority" may be used.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the advisory opinion and the letter from the psychologist, both of which conclude that the diagnosis of personality disorder is either unsupported or incorrect. However, the Board believes that discharge from the Navy on 13 May 1999 was appropriate given the symptoms she was experiencing at the time. Since no other reason for discharge is appropriate, the Board concludes that the reason for discharge should be changed to Secretarial Authority.

Concerning the reenlistment code, the Board notes that the RE-4 reenlistment code was assigned based in large part, on the personality disorder diagnosis which has now been found to be unsupported or incorrect. Given the circumstances, to include the psychologist's conclusion that she is now doing well, the Board concludes that an RE-1 reenlistment code is now warranted.

However, the Board notes that even if she does not have a personality disorder, she was still having difficulties that should be considered in any future security clearance determination. Given the Board's conclusion that discharge was warranted, the Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the circumstances which led to her discharge on 13 May 1999, and the rationale for the Board's favorable action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a new DD Form 214 to show that on 13 May 1999 she was honorably discharged by reason of Secretarial Authority vice the reason of personality disorder now of record.

b. That Petitioner's naval record be further corrected to show that she was assigned an RE-1 reenlistment code on 13 May 1999 vice the RE-4 reenlistment code now of record.

c. That 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.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

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.


For W. DEAN PFEIFFER
Executive Director