



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

[REDACTED]
Docket No: 9775-17
JUL 13 2018

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

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

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 w/encls
(2) Case Summary
(3) Qualified Mental Health Professional Advisory Opinion of 3 Mar 18

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that the narrative reason for her charge "Personality Disorder" and character of service of "General" be changed. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 May 2018 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, relevant portions of Petitioner's naval records, and applicable statutes, regulations and policies. Additionally, the Board considers enclosure (3), and advisory opinion (AO) from a qualified Mental Health Professional.

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 waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 22 June 1998. On 3 November 1999, she was counseled regarding deficiencies in her performance and conduct. On 17 November 1999, she received nonjudicial punishment (NJP) for insubordinate conduct and disobeying a lawful order. On 27 October 2000, she was counseled regarding deficiencies in her performance, conduct, and failing to go at the prescribed time. On 23 April 2001, she

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received a second NJP for a brief unauthorized absence, disobedience, and four specifications of disrespect. On 6 September 2001, Petitioner was evaluated by mental personal and diagnosed with a severe Personality Disorder. It was stated that she was not mentally ill and responsible for her behavior. At that time, she manifested a longstanding disorder of character and behavior which was on such severity as to interfere with her ability to function effectively in a military environment. She had adjusted poorly to the demands of military service and was unmotivated for continued military service despite appropriate leadership, counseling, discipline and other methods.

d. In view of the foregoing, on 12 September 2001, Petitioner's Commanding Officer (CO) recommended that she receive a general discharge based on her diagnosed personality disorder. After being afforded all of her procedural rights, it was directed she receive a general discharge by reason of a personality disorder. She received a general discharge on 15 October 2001. At the time of her service, an average of 4.0 was required to be considered for a fully honorable characterization of service based on a discharge due to a personality disorder. Petitioner's conduct trait average was 4.0 at the time of her discharge which is high enough to have been considered for an honorable characterization of service.

e. With Petitioner's application, she states that while in the military she started to have behavioral issues because of her illness. Her mother took her to a Veterans' hospital where she was later diagnosed with Paranoid Schizophrenia and declared 100% disabled. She states she lost rank because of her misdiagnosis, that since her discharge, she has been taking prescribed medications, and circumstances beyond her control led to her general discharge.

f. Enclosure (3), an AO from a qualified Mental Health Professional states, in part, that Petitioner carried a diagnosis of Schizophrenia, Paranoid Type since the duration of her care at the Department of Veterans Affairs. She has had numerous inpatient psychiatric hospitalizations for psychotic symptoms and it appears that without regular psychotropic medication, her psychotic symptoms are of a severe and pervasive nature. Her post-service diagnosed medical condition cannot be attributed to military service, as Schizophrenia is an organic genetic condition which cannot be predicted to evolve, nor can it develop strictly as a result of situational stress. However, her misconduct can be attributed to her diagnosis of Schizophrenia. It is likely that at the time of her service and misconduct, she was entering into her first "psychotic break," which is characteristic of what is observed immediately prior to the full development of Schizophrenia. It was opined that there is sufficient evidence to support Petitioner's contention that she suffered from schizophrenia at the time of her service and that her misconduct can be attributed to her diagnosis.

MAJORITY CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (3), a majority of the Board, consisting of [REDACTED] conclude that Petitioner's request warrants favorable action.

In reaching its conclusion, the majority initially notes Petitioner's time in service and after

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careful and conscientious consideration of the entire record, including her counseling warnings and two NJPs, the majority Board agreed with the AO and concluded that even though her general discharge was proper, based on Petitioner's overall record of military service and diagnosis, the record should reflect an honorable characterization of service. In view of the foregoing, the majority recommends the following corrective action:

MAJORITY RECOMMENDATION:

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that on 15 October 2001, she received an honorable character of service, separation authority of "MARCORSEPMAN par 6214," separation code of "JFF1" and narrative reason for separation is "Secretarial Authority."

No further action be granted.

A copy of this report of proceedings be filed in Petitioner's naval record.

Upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 1 December 2017.

MINORITY CONCLUSION:

[REDACTED] disagrees with the majority and concludes that Petitioner's request does not warrant favorable action in light of enclosure (3), and her general character of service remain unchanged.

The minority member notes that Petitioner was counseled regarding her performance and conduct on more than one occasion, and received two NJPs. A mental health provider found that she was not mentally ill and responsible for her behavior, and Navy directives state that a general discharge is warranted when significant negative aspects of a Petitioner's misconduct outweigh the positive aspects of the Petitioner's military record.

In view of the foregoing, the minority recommends the following corrective action:

MINORITY RECOMMENDATION:

No action be taken to correct Petitioner's 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.

[REDACTED]

Recorder

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5. The foregoing report of the Board is submitted for your review and action.

[REDACTED]

Executive Director

Reviewed and approve MAJORITY recommendation.

Reviewed and approve MINORITY recommendation.

[REDACTED]

Signature

10.19.2018

Date