



d. From 6 January 1994 to 6 February 1994, Petitioner visited medical six times for knee pain and received a total of twelve days of light duty. On 6 February 1994, Petitioner was hospitalized for five days for bilateral knee pain and was discharged with 14 days of light duty. Petitioner was on light duty for all of March 1994 while receiving physical therapy to treat stress fractures.

e. On 5 April 1994, Petitioner was hospitalized for six days for suicidal ideation. She was diagnosed with an Adjustment Disorder with mixed emotional features and Personality Disorder Not Otherwise Specified (NOS) with passive-aggressive, avoidant, and immature features. Petitioner was returned to her command with thirty days of light duty and a recommendation for administrative separation.

f. On 21 April 1994, Petitioner was formally notified of pending administrative separation processing by reason of convenience of the government due to personality disorder. Petitioner waived her right to consult with legal counsel and elected to submit a statement where she described multiple visits to medical for knee pain, being assaulted by a doctor and two hospital corpsman during a medical visit, feeling depressed and discouraged after being placed on medical hold, relinquishing sixty pills, including narcotics, to the company yeoman, stating that she was "scared, but I didn't know why, because I didn't want to die," and being mistreated in the psychiatric ward. On 24 April 1994, Petitioner filed a grievance with the Recruit Training Command (RTC) Commanding Officer (CO); however, Petitioner's grievance was not in her official military personnel file (OMPF). On 28 April 1994, the RTC CO responded to Petitioner, indicating he had forwarded her grievance to the Naval Hospital CO.

g. Petitioner was discharged on 29 April 1994 with an uncharacterized discharge by reason of Personality Disorder.

h. On 16 May 1994, the Naval Hospital CO responded to Petitioner's grievance, indicating that he had reviewed her concerns and found that the medical treatment she received was appropriate.

i. Petitioner contends that she developed PTSD from a physical assault from a Lieutenant Commander and that the diagnosis was validated by the Department of Veterans Affairs (VA).

j. For purposes of clemency and equity consideration, Petitioner submitted Orthopedics notes from 1994, and a VA Decision Letter from 2023.

k. As part of the Board's review, the Board considered enclosure (4) and the Petitioner's response. The AO states in pertinent part:

Petitioner contends she incurred Post Traumatic Stress Disorder (PTSD) from physical assault and harassment during military service, which might have mitigated the circumstances of her separation.

In February 1994, she was hospitalized for five days for bilateral knee pain. In March 1994, she received physical therapy to treat stress fractures. In April 1994, she was hospitalized for six days for suicidal ideation. She was diagnosed with an Adjustment Disorder with mixed emotional features and Personality Disorder Not

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Otherwise Specified (NOS) with passive-aggressive, avoidant, and immature features.

Petitioner provided September 1994 medical records from a civilian orthopedic specialist, who noted “she was...involved in assault-type treatment, where medical officer attempted to make her walk prior to them [sic] understanding that she had bilateral...stress fractures and yanked her around the room.” She submitted evidence of service connection for PTSD, effective November 2014.

Petitioner was appropriately referred for psychological evaluation during her enlistment and properly evaluated during an inpatient hospitalization. Her personality and adjustment disorder diagnoses were based on observed behaviors and performance during her period of service, the information she chose to disclose, and the psychological evaluations performed.

Temporally remote to her military service, the VA has granted service connection for PTSD. However, the circumstances surrounding her separation from service appear to be consistent with her diagnosed personality disorder, rather than evidence of PTSD or another mental health condition incurred in or exacerbated by military service.

The AO concluded, “it is my clinical opinion there is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence to attribute the circumstances surrounding her separation to PTSD or another mental health condition, other than personality disorder.”

In response to the AO, the Petitioner provided a personal statement with additional information regarding the circumstances of her case and additional medical evidence. After reviewing the rebuttal evidence, the AO remained unchanged.

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner’s request warrants partial relief in the interests of justice. Specifically, in keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, 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. However, the Board determined Petitioner’s assigned reentry code remains appropriate in light of her unsuitability for further military service.

Notwithstanding the recommended corrective action below, the Board found no error in Petitioner’s uncharacterized characterization of service. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in

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Petitioner's case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, Petitioner's desire for a discharge upgrade and the previously mentioned contentions raised in her application.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant granting the relief requested. In making this finding, the Board concurred with the AO that while there is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service, there is insufficient evidence to attribute the circumstances surrounding her separation to PTSD or another mental health condition, other than personality disorder. The Board further noted that Petitioner was notified of her separation process within 180 days of the beginning of her period of active service. Applicable regulations authorize an uncharacterized entry level separation 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 policy in cases involving misconduct or extraordinary performance, the Board determined neither of these exceptions applied in Petitioner's case. Therefore, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner any additional relief.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record:

Petitioner shall be issued a new DD Form 214, for the period ending 29 April 1994, indicating the separation authority as "MILPERSMAN 3630900," separation code as "JFF," and the narrative reason for separation as "Secretarial Authority."

That no further changes be made to Petitioner's record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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 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.

4/29/2024

