

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 214-24 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF

USN, XXX-XX-

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

(b) Under Secretary of Defense for Personnel and Readiness memorandum regarding equity, injustice, or clemency determinations dated 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments

- (2) Case summary
- (3) Subject's naval record (excerpts)
- 1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Navy filed enclosure (1) with this Board requesting that his Narrative Reason for Separation be changed. Enclosures (1) through (3) apply.
- 2. The Board, consisting of \_\_\_\_\_\_, and \_\_\_\_\_, and \_\_\_\_\_, reviewed Petitioner's allegations of error and injustice on 31 July 2024 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.
- b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute limitation and review the application on its merits.
- c. Petitioner enlisted in the Navy on 22 October 1996. On 13 March 1997, he received a psychological evaluation which diagnosed him with a Personality Disorder that existed prior to enlistment.
- d. As a result of his diagnosis, he was notified of pending administrative separation action by reason of a personality disorder. After he waived his rights, his commanding officer (CO) forwarded the separation package to the separation authority (SA) recommending an Honorable

characterization of service due to a personality disorder. The SA disagreed with the CO and directed an uncharacterized entry level separation due to a personality disorder and, on 1 April 1997, he was so discharged.

e. Petitioner contends his narrative reason for separation is hindering his ability to get employment. He also contends that he was misdiagnosed and he suffers from PTSD and other mental health conditions.

## **CONCLUSION:**

Upon review and consideration of all the evidence of record, especially in light of reference (b), the Board concludes that Petitioner's request warrants favorable action.

In keeping with the letter and spirit of the Wilkie Memo, 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.

Notwithstanding the corrective action recommended below, the Board determined Petitioner's uncharacterized entry level separation remains appropriate. The Board noted that service regulations direct that members discharged within their first 180 days of active duty service be assigned an uncharacterized entry-level separation. While there are exceptions to this policy for misconduct or exceptional performance, the Board determined that neither apply in Petitioner's case. In addition, the Board also concluded that Petitioner remains unsuitable for further military service and his assigned reentry code of RE-4 remains appropriate. Finally, the Board found no evidence to support Petitioner's contention that he was diagnosed or symptomatic of PTSD or another mental health condition while on active duty. The Board noted Petitioner provided no evidence, other than his statement, that he was misdiagnosed with a personality disorder. In reviewing the evidence, the Board concluded his mental health evaluation in 1997, conducted contemporaneous with his active duty service, is probative of his mental health status at the time.

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

## **RECOMMENDATION:**

That Petitioner's naval record is corrected to show, for the period ending 1 April 1997, his Narrative Reason for Separation was "Secretarial Authority," SPD code was "JFF," and separation authority was "MILPERSMAN 1910-164."

That Petitioner is issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

That no further changes be made to the record.

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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.

