



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

██████████  
Docket No. 0275-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, USN,  
XXX-XX-██████████

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)  
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)  
(d) USD Memo of 25 Aug 17 (Kurta Memo)  
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record (excerpts)  
(4) Advisory Opinion of 18 Jun 24

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting upgrade of his discharge characterization of service. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 22 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, and applicable statutes, regulations, and policies, to include references (b) through (e). Additionally, the Board considered enclosure (4), an advisory opinion (AO) furnished by qualified mental health provider, and Petitioner's response to the AO.

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, the statute of limitation was waived in accordance with the Kurta Memo.

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c. Petitioner enlisted in the Navy and began a period of active service on 26 May 2004.

d. In August 2006, Petitioner sought assistance for depression at a military medical facility and received a provisional diagnosis of depression.

e. The following month, on 12 September 2006, Petitioner was diagnosed with adjustment disorder with depressed mood and personality disorder. The medical officer recommended Petitioner be administratively separated.

f. On 13 September 2006, Petitioner was notified of administrative separation processing by reason of convenience of the government – personality disorder. Petitioner was not eligible for an Administrative Discharge Board and waived his remaining rights in the process. On 21 September 2006, the discharge authority directed a General (Under Honorable Conditions) (GEN) character of service and, on 30 September 2006, he was so discharged.

g. Petitioner contends during naval service he sought counseling which led to a diagnosis of depression and his ultimate separation from the military. During separation, he was instructed he would receive the GI Bill which he could use to go to college. He also understood he may possibly even be able to reenter the military, but his less than Honorable discharge made him ineligible for the GI Bill. He believes when he sought mental health counseling while in the Navy it permanently effected his life, denying him numerous opportunities he should have been eligible for, but at the same time he's not sure he would still be alive today if he had not sought counseling. He believes seeking mental health counseling was the right thing to do, but that, through his less than Honorable discharge, he was punished for it.

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

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated during a psychiatric visit. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. Additionally, given Petitioner's in-service anecdote, he was never depressed when he went home to visit. Thus, his Adjustment Disorder diagnosis appeared to be temporary and situational in nature, as opposed to a pervasive, organic mental health diagnosis.

The AO concluded, "it is my considered clinical opinion there is insufficient evidence of a mental health condition that may be attributed to military service."

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In response to the AO, the Petitioner provided supporting documentation that supplied additional clarification of the circumstances of his case. Of note, the Petitioner pointed out that although the AO referred to misconduct, the Petitioner did not recall he had committed any misconduct.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. The Board reviewed his application under the guidance provided in references (b) through (e).

Notwithstanding the AO, the Board determined that Petitioner's active service, exceeding two years without any indication of misconduct, was inconsistent with his assigned characterization of service. The Board found no evidence that significant negative aspects of Petitioner's service outweighed the positive aspects. Therefore, the Board determined it was in the interests of justice to upgrade his characterization of service to Honorable.

Additionally, in keeping with the letter and spirit of references (b) through (e), the Board determined it would be an injustice to label Petitioner's discharge as being for a diagnosed personality 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.

In view of the above, the Board recommends the following corrective action.

## RECOMMENDATION

That Petitioner be issued a new DD Form 214, for the period ending 30 September 2006, indicating his character of service as "Honorable," separation authority as "MILPERSMAN 1910-164," separation code as "JFF," narrative reason for separation as "Secretarial Authority," and reenlistment code as "RE-1J."

That Petitioner be issued an Honorable Discharge Certificate.

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

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.

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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.

8/9/2024

