



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

Docket No. 2395-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF
USN, [REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USECDEF 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) Advisory Opinion of 29 July 2024
(4) AO Rebuttal documentation

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting her discharge be change to Honorable.

2. The Board consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 4 November 2024 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 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 references (b) through (e). In addition, the Board considered enclosures (3) and (4), an advisory opinion (AO) from a qualified mental health professional and Petitioner's rebuttal documentation.

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 Petitioner did not file her application in a timely manner, the statute of limitations was waived in the interests of justice.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
USN, [REDACTED]

- c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 26 April 1994.
- d. On 28 April 1994, Petitioner was issued administrative remarks retaining her in the naval service despite her defective enlistment and induction due to fraudulent entry into naval service by failing to disclose pre-service civil involvement.
- e. On 21 June 1995, Petitioner was diagnosed with borderline personality disorder of such severity as to render her incapable of adequately serving and recommended she be separated.
- f. On numerous occasions from 26 June 1995 to 9 July 1996, Petitioner had a case reviewed via the Family Service Center as a result of domestic disputes with her then husband.
- g. On 25 August 1995, Petitioner was issued administrative remarks documenting the previously mentioned domestic disputes, Family Advocacy Case Review's recommendations, and personal problems. The remarks further documented Petitioner's satisfactory performance with minor discrepancies in quality of work and military bearing. Lastly, the remarks noted Petitioner would be monitored and, should the problems or new problems develop, an administrative separation may be necessary.
- h. On 15 November 1995, Petitioner was again counseled regarding her substandard performance.
- i. On 28 May 1996, Petitioner was notified she was being processed for administrative separation by reason of convenience of the government on the basis of personality disorder. She waived all her procedural rights except her right to make a statement on her behalf.
- j. The separation authority directed Petitioner be separated with a general (under honorable conditions) characterization of service by reason of personality disorder and on 31 July 1996, she was so separated.
- k. On 2 November 2000, the Naval Discharge Review Board (NDRB) conducted a documentary review of Petitioner's discharge. Petitioner's request was based on her desire to attend school and her belief that she should have received a medical discharge. NDRB unanimously determined that her characterization of service should remain unchanged.
- l. Petitioner contends: (1) she was diagnosed with borderline personality disorder and has since developed PTSD, bipolar disorder, ADHD, and schizophrenia, (2) she has received Social Security Benefits since 2005 and earned her Bachelor's Degree from [REDACTED], and (3) she did not discover the error or injustice of her discharge until recently and was unaware that it mattered as no one told her. Petitioner also submitted evidence of her Social Security Administration Benefits.
- m. Because Petitioner contends experiencing a mental health condition during her military service, her application and records were reviewed by a qualified mental health professional, who provided an advisory opinion (AO) for the Board's consideration. The AO noted in pertinent part:

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
USN, [REDACTED]

The Petitioner indicated that she was diagnosed with several mental health disorders post-service. Unfortunately, she did not submit any medical evidence in support of her claim. Petitioner was appropriately referred for psychological evaluation during her enlistment and properly evaluated. Her personality disorder diagnosis was based on observed behaviors and performance during her period of service, the information she 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. Her statement is not sufficiently detailed to provide a nexus with her behavior resulting in separation. Additional records (e.g., mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to her behavior) would aid in rendering an alternate opinion.

The AO concluded, "[b]ased on the available evidence, it is my considered clinical opinion there is insufficient evidence of [a] mental health condition that may be attributed to military service. There is insufficient evidence that her behaviors resulting in separation could be attributed to a mental health condition."

n. On 28 October 2024, Petitioner submitted a rebuttal in response to the AO in the form of a Department of Veterans Affairs (VA) disability document, college transcript, and background check printout.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief.

Specifically, 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.

With regard to Petitioner's request that her characterization of service be changed, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in 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 discussed contentions. After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concluded Petitioner was properly processed and discharged for her personality disorder. Additionally, the Board concurred with the AO that there is insufficient evidence of a mental health condition that

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
USN, [REDACTED]

may be attributed to military service. As explained in the AO, her personality disorder diagnosis is pre-existing to military service by definition and indicates lifelong characterological traits unsuitable for military service. Lastly, the Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of her conduct and/or performance outweighed the positive aspects of her military record even under liberal consideration standards for mental health conditions, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate. Therefore, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting the Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 31 July 1996, Petitioner's narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 3630900."

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

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 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.

4/8/2025

