



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

██████████
Docket No. 4155-24

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████

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 w/ enclosures
(2) Advisory Opinion (AO) of 5 Sep 24

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 that his discharge be upgraded, his narrative reason for separation be changed to "Secretarial Authority," and that all other references to Personality Disorder be removed from his discharge record to include his separation codes and separation authority, and reentry code. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 13 September 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 references (b) through (e). Additionally, the Board also considered enclosure (2), an advisory opinion (AO) furnished by qualified mental health provider, which was considered favorable to Petitioner's mental health contentions.

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. Although Petitioner did not file his application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

b. Petitioner enlisted in the Navy and began a period of active duty on 17 March 2003.

c. He served for approximately 18 months prior to his first nonjudicial punishment (NJP), on 14 September 2005, for violations of the Uniform Code of Military Justice (UCMJ) under Article 86, for an unauthorized absence, and under Article 87, for missing ship's movement. He was subject to a punishment of 45 days' restriction and extra duty with 2 months' forfeiture of \$300 pay per month and a suspended reduction in paygrade.

d. At an unspecified date, Petitioner incurred an unauthorized absence following suicidal ideations while serving underway. He also received a 30-day inpatient treatment for alcohol rehabilitation, following which he sought medical care on 18 August 2005, expressing fear regarding being back on his ship.

e. On 16 September 2005, Petitioner was referred to psychology for an evaluation which resulted in a recommendation for his administrative separation. He was diagnosed with an adjustment disorder with depressed mood, alcohol dependence, and a personality disorder, not otherwise specified.

f. An administrative counseling entry, on 5 October 2005, likewise documented that Petitioner was not eligible for reenlistment due to his diagnosed personality disorder. Petitioner was administratively discharged under honorable conditions, on 10 October 2005, for a personality disorder with a separation code of "GFX" and "RE-4" reentry code. At the time of his discharge, he had a 3.06 overall trait average.

g. Petitioner contends that he does not have a personality disorder and it was substantively and procedurally improper to separate him because the Navy failed to follow its own regulations regarding his alleged personality disorder, his overall quality of service warrants an upgraded characterization, he suffers service-connected post-traumatic stress disorder (PTSD) caused by traumatic events during his 2003 Iraq deployment due to witnessing threatened death and/or serious injury and during the testing of the Spartan Scout missile system from aboard his ship, and his alcohol consumption was a coping mechanism for his mental health symptoms. For the purpose of clemency and equity consideration, he submitted a personal declaration, his service health records, mental health treatment records, and his Department of Veterans Affairs (VA) disability rating, disability benefits questionnaire, and progress notes.

h. Because Petitioner contends that a mental health condition affected her discharge, the Board requested the AO for consideration. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performance by the mental health clinician. Post-service, the Petitioner has received service connection for PTSD. It is possible that mental health symptoms identified as characterological in service have been reconceptualized as symptoms of PTSD with the passage of time and improved information. It is possible to attribute his UA and misconduct

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to mental health concerns, given in-service statements that his UA was to prevent harm to himself or others.

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 in-service and post-service evidence from the Petitioner to attribute his misconduct to PTSD."

CONCLUSION:

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

The Board noted Petitioner's misconduct and does not condone it; however, the Board observed that Petitioner's narrative reason for separation and separation authority indicate that he was processed for convenience of the government on the basis of his personality disorder rather than for a misconduct basis. As such, and in spite of the absence of administrative separation processing records, Petitioner's characterization of service should have been type warranted by service record, which the Board found would have been properly characterized as "Honorable" in light of his overall trait average. Additionally, and noting that Petitioner does not appear to have been processed for the basis of misconduct, the Board concurred with the clinical opinion that it is possible Petitioner's UA and misconduct could be attributed to mental health concerns. The Board found that Petitioner's characterization of service as under honorable conditions constituted an error warranting a discharge upgrade.

In addition, 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.

Notwithstanding the recommended corrective action below, the Board concluded Petitioner's assigned reentry code remains appropriate in light of his unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is addressed by the recommended corrective action.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending 10 October 2005, he was discharged with an "Honorable" characterization of service, under the authority of "MILPERSMAN 1910-164,"

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with a narrative reason for separation of "Secretarial Authority," and a "JFF" separation code.

That Petitioner be issued an Honorable Discharge certificate.

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 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.

10/10/2024

