



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

██████████
Docket No. 4777-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. §1552
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)
(c) PDUUSD Memo of 24 Feb 16 (Carson Memo)
(d) USECDEF Memo of 25 Aug 2017 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval record (excerpts)
(3) Advisory opinion of 10 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 his reentry code be changed. Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 30 October 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 included references (b) through (e). Additionally, the Board considered enclosure (3), an Advisory Opinion (AO) furnished by a qualified mental health provider. Although Petitioner was provided an opportunity to comment on the AO, he chose not to do so.

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 the enclosure was not filed in a timely manner, the statute of limitation was waived in accordance with reference (d).

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 25 May 2005.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
[REDACTED]

d. On 21 September 2006, Petitioner was seen by a mental health provider, diagnosed with preexisting post-traumatic stress disorder and a personality disorder, and recommended for separation.

e. Petitioner was notified of administrative separation processing for convenience of the government, personality disorder. After Petitioner waived his rights, the Commanding Officer made his recommendation to the Separation Authority (SA) that he be discharged with an Honorable characterization and an RE-4 reentry code. The SA accepted the recommendation and directed the Petitioner be discharged for personality disorder. The Petitioner was so discharged on 12 October 2006.

f. For purposes of clemency and equity consideration, the Board considered the evidence Petitioner provided in support of his application.

g. In light of the Petitioner's assertion of Mental Health Condition, the Board requested enclosure (3). The AO stated in pertinent part:

Petitioner submitted a mental health note from active duty service dated September 2006. The note indicates that he was command-referred for psychiatric evaluation after having posted suicidal intentions on social media. Upon assessment, he was diagnosed with PTSD (due to pervasive bullying and physical abuse by peers in school pre-service), and Avoidant Personality Disorder. He also submitted a letter from a psychologist at [REDACTED], dated October 2008. The psychologist noted at that time that he had been seeing Petitioner in the context of therapy for the treatment of PTSD. He submitted post-service accomplishments in support of his claim. There is evidence that the Petitioner was diagnosed with PTSD due to pre-service trauma, and Avoidant Personality Disorder.

The AO concluded, "it is my considered clinical opinion there is sufficient evidence of a mental health condition that existed pre-service. There is insufficient evidence that his Personality Disorder diagnosis or reason for separation were in error."

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. In keeping with the letter and spirit of references (b) through (e), the Board determined that it would be an injustice to label one'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.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
USN, XXX-XX-[REDACTED]

Notwithstanding the below recommended correction action, the Board determined Petitioner's assigned reentry code remains appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with references (b) through (e). These included, but were not limited to, Petitioner's desire to change his reentry code so he can reenter the service.

After thorough review, the Board concluded that Petitioner's potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that the Petitioner's reentry code was properly assigned based on the determination that he was unsuitable for further military service. The Board found this determination to be supported by the Petitioner's diagnosis. Furthermore, the Board concurred with the AO that there is insufficient evidence that his Personality Disorder diagnosis or reason for separation were in error.

Therefore, even in light of references (b) through (e) and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief he requested or granting relief as a matter of clemency or equity.

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

RECOMMENDATION:

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 12 October 2006, reflecting that his narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 1910-164."

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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

11/19/2024