



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

█
Docket No. 4955-24

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) 10 U.S.C. §1552
(b) SECDEF Memo, 3 Sep 14 (Hagel Memo)
(c) PDUSD Memo, 24 Feb 16 (Carson Memo)
(d) USD Memo, 25 Aug 17 (Kurta Memo)
(e) USECDEF Memo, 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 29 Aug 24

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting his characterization of service be upgraded to Honorable on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 18 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 include reference (b) through (e). Additionally, the Board also considered enclosure (4), the advisory opinion (AO) furnished by qualified mental health provider, which was previously provided to Petitioner. Although Petitioner was afforded an opportunity to submit a rebuttal, Petitioner 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.

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

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

c. Petitioner enlisted in the Navy and began a period of active service on 9 November 1988.

d. On 8 March 1993, Petitioner was referred for a psychiatric evaluation following a report of him contemplating suicide with a loaded weapon. He was diagnosed with probable Personality Disorder with Antisocial, Passive-Aggressive traits. This diagnosis was confirmed on 11 March 1993 and 23 March 1993, and was noted to have existed prior to entry.

e. On 12 May 1993, Petitioner was notified of administrative separation processing by reason of convenience of the government on the basis of personality disorder with a least favorable characterization of General (Under Honorable Conditions) (GEN). Petitioner's commanding officer recommended an Honorable (HON) discharge, and on 17 May 1993, he was so discharged.

f. Petitioner contends that he received a GEN characterization of service (a "bad paper" discharge), his service was Honorable, and he was suffering from a mental health crisis at his time of discharge and not a personality disorder. Petitioner submitted evidence of post-service accomplishment, a prescription for anxiety medication, and a copy of his DD Form 214.

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

Petitioner contends he incurred mental health concerns during military service, which may have contributed to the circumstances of his separation.

Petitioner entered active duty in the US Navy in November 1988. In March 1993, he was evaluated by a military psychologist and who found him "to be depressed, anxious, irritable and emotionally distant from others." He was diagnosed with Personality Disorder Not Otherwise Specified (NOS) with Antisocial, Passive-Aggressive traits. He was recommended for administrative separation due to "dramatic mood swings, both on and off the ship, the cause of which can be attributed to a highly unstable family environment." A military psychiatrist evaluated him and concurred with the diagnosis and recommendation for separation.

In May 1993, the Petitioner received an Honorable discharge for "other physical/mental conditions - personality disorder." He denied mental health symptoms during his separation physical.

Petitioner contended he was erroneously diagnosed with a personality disorder, when he was suffering from an anxiety disorder incurred during military service. He submitted evidence of current prescription medication typically prescribed for short-term relief for anxiety. He provided evidence of post-service accomplishment.

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

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 evaluations performed by the mental health clinicians. 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. Unfortunately, he has provided no medical evidence to support his claims of another mental health condition in service.

The AO concluded, "it is my clinical opinion there is insufficient evidence of error in his in-service diagnosis of a mental health condition. There is insufficient evidence to attribute the circumstances of his separation from service to a mental health condition, other than personality disorder."

CONCLUSION

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

The Board determined that Petitioner mistakenly believes he has a GEN characterization of service. The Board confirmed Petitioner's service record and Petitioner's application package both contain DD Form 214s that indicate HON characterization of service. Therefore, the Board took no action on this aspect of Petitioner's application.

Additionally, the Board found no error in Petitioner's administrative separation processing. The Board concurred with the AO and concluded that there is insufficient evidence of error in his in-service diagnosis of a mental health condition and insufficient evidence to attribute the circumstances of his separation from service to a mental health condition, other than personality disorder.

However, 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.

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

RECOMMENDATION

That Petitioner be issued a new DD Form 214, for the period ending 17 May 1993, indicating his separation authority as "MILPERSMAN 3630900," separation code as "LFF," narrative reason for separation as "Secretary Plenary Authority," and reenlistment code as "RE-1J."

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

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

11/6/2024

[REDACTED]