



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

██████████  
Docket No. 5098-24

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, ██████████

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo) (Hagel Memo)  
(c) PDUUSD Memo 24 Feb 16 (Carson Memo)  
(d) USD Memo of 25 August 2017 (Kurta Memo)  
(e) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

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 naval record be corrected to make certain conforming changes to his DD Form 214 following his involuntary discharge for a diagnosed personality disorder.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 5 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).

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..

c. The Petitioner enlisted in the U.S. Navy and began a period of active duty service on 26 August 1980. Petitioner's pre-enlistment physical examination, on 5 February 1980, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms.

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Petitioner's submarine duty physical examination, on 7 October 1980, and self-reported medical history again both noted no psychiatric or neurologic conditions or symptoms. On 12 July 1982, Petitioner reported for duty with the [REDACTED] ([REDACTED]) in [REDACTED], [REDACTED].

d. At Petitioner's medical examination, on 8 September 1982, the examining physician recommended Petitioner be permanently disqualified from submarine duty as a result of claustrophobia and be reassigned for duty in the surface fleet. On 27 September 1982, Petitioner was again diagnosed with claustrophobia and determined not to be qualified for submarine duty. On or about 3 January 1983, Petitioner was transferred off of the [REDACTED]. In October 1983, Petitioner was transferred to the [REDACTED] ([REDACTED]).

e. On 24 October 1983 Petitioner was admitted to the mental health clinic at Naval Hospital, [REDACTED], [REDACTED]. An examining Medical Officer (MO) ruled out that Petitioner suffered from claustrophobia. Upon Petitioner's discharge, on 3 November 1983, the MO instead diagnosed Petitioner with a personality disorder, mixed, with passive-dependent and passive-aggressive features, and recommended Petitioner's administrative separation.

f. On 14 November 1983, Petitioner's command initiated administrative separation proceedings by reason of convenience of the government on the basis of his diagnosed personality disorder. On 15 November 1983, Petitioner waived in writing his rights to consult with counsel, and he expressly represented that he did not object to his separation. Ultimately, on 19 December 1983, Petitioner was discharged from the Navy with an Honorable discharge characterization and was assigned an RE-4 reentry code. Petitioner's DD Form 214 stated the narrative reason for separation was "Other Physical/Mental Condition - Personality Disorder."

#### CONCLUSION:

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

The Board initially determined that Petitioner's administrative separation for a substantiated personality disorder was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy at the time of his discharge. The Board disagreed with any contention that Petitioner was misdiagnosed. The Board noted that personality disorders are characterized by a longstanding pattern of unhealthy behaviors, dysfunctional relationships, and maladaptive thinking patterns. They are not conditions considered unfitting or disabling, but render service members unsuitable for military service and consideration for administrative separation. Accordingly, the Board concluded that Petitioner's diagnosed personality disorder was a non-disabling disorder of character and behavior, and that it did not impair his ability to be accountable for his actions or behaviors. The Board also determined that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should otherwise not be held accountable for his actions.

However, in keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, the Board

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determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior 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 relief granted below, the Board did not find a material error or injustice with the Petitioner's reentry code. The Board concluded the Petitioner was assigned the correct reentry code based on the totality of his circumstances, and that such reentry code was proper and in compliance with all Department of the Navy directives and policy at the time of Petitioner's discharge.

#### RECOMMENDATION:

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

Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty, for the period ending 19 December 1983, indicating his narrative reason for separation was "Secretarial Authority," the separation authority was "MILPERSMAN 1910-164," and the separation code was "JFF."

No further changes to his record are warranted.

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 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.

7/16/2024

