



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

█
Docket No. 5139-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Petitioner's Official Military Personnel File (OMPF)

Encl: (1) DD Form 149 w/attachments

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to have her narrative reason for separation changed from Personality Disorder to "Service Connected Disability."
2. The Board, consisting of █, █, and █. Ana, reviewed Petitioner's allegations of error and injustice on 17 October 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, enclosure (1), together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.
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's application was not filed in a timely manner, the Board waived the statute of limitation in the interest of justice and considered the case on its merits.
 - b. A review of Petitioner's OMPF reveals that Petitioner enlisted in the Navy and commenced a period of active duty on 15 May 2013. Petitioner's OMPF does not contain documentation concerning her administrative separation from service. However, her final evaluation covers the period through 30 April 2014 and speaks to Petitioner's administrative separation; explaining that it was "submitted upon [Petitioner's] administrative separation from the U.S. Navy under MILPERSMAN Article 1910-120 - Separation by Reason of Convenience of the Government - Physical or Mental Conditions." According to Petitioner's Record of Discharge or Release from Active Duty (DD Form 214) she was discharged on 17 June 2014 with an Honorable characterization of service due to personality disorder.

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c. In her application, Petitioner requests to her narrative reason for separation changed from Personality Disorder to Service Connected Disability. In support of her application, Petitioner asserts that the Department of Veterans' Affairs (VA) granted her service connected disability ratings for several conditions with various effective dates; the earliest of which appears to be 18 June 2014. In further support of her petition, Petitioner provided a printout of her conditions from the VA, a letter of reference from a former colleague, and a written personal statement, in which she stated that during her time in the Navy, she struggled with major depression, anxiety, and insomnia, which she asserts significantly impacted her ability to perform her duties. She also argues that, while she was discharged due to a diagnosis of borderline personality disorder, she believes her depression and anxiety were the primary facts that led to her separation.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of current guidance, 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, in its review of the entirety of Petitioner's materials as described above, the Board disagreed with Petitioner's rationale for relief. With respect to the specific relief that Petitioner seeks, namely, changing her narrative reason for separation to "service connected disability," the Board observed that this is not a form of relief that it can grant. This is because the Department of the Navy has no narrative reason for separation based on post service awards by the VA of service connected disability. The VA is a separate entity from the Department of the Navy, and its awards of compensation, pensions, or disability benefits post service are not properly reflected in Department of the Navy discharge documents.

In giving Petitioner the benefit of the doubt, the Board considered whether Petitioner intended to seek to have her discharge changed to reflect that she was awarded a service disability retirement within the Disability Evaluation System (DES). On this point, the Board observed that in order to qualify for military disability benefits through the DES with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. The Board determined insufficient evidence exists to place Petitioner on the disability retired list.

In reaching its decision, the Board observed that it relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the

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contrary, will presume that they have properly discharged their official duties. As applied to Petitioner's request, a review of documents available in her OMPF reveal she was discharged due to Convenience of the Government and ultimately received a narrative reason for discharge describing her reason for discharge was personality disorder. Petitioner's OMPF does not contain, nor has she provided, any documentation that, while she was in service, she diagnosed with an unfitting condition within the meaning of the DES. Similarly, the Board observed a lack of any documentation from her chain of command or any service medical providers while she was in service, which recommended that she be reviewed by a medical evaluation board for placement into the DES. To the extent Petitioner asserted, or relied upon, her post-service ratings by the VA, to support her request, the Board did not find this to be persuasive because the fact that the VA may have rated her for disability conditions that it determined were service connected to her time in the service did not persuade the Board these conditions were unfitting at the time of her discharge from the Navy because eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated.

Finally, the Board concluded that Petitioner's assigned reentry code remains appropriate in light of her original basis for separation. Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action. Accordingly, given the totality of the circumstances, the Board determined that Petitioner's request does not merit any additional relief.

RECOMMENDATION

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

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 17 June 2014, Petitioner's narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," the separation authority was "MILPERSMAN 1910-164."

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.

11/23/2024

[REDACTED]