



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

██████████
Docket No. 5180-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER ██████████, USN,
██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) Petitioner's Case File
(c) MILPERSMAN 3620200

Encl: (1) DD Form 149

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 by granting a medical discharge.

2. The Board, consisting of ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 3 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 the relevant portions of the 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 found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner entered active duty in the United States Navy on 23 May 1988. In October 1988, Petitioner reported on board the ██████████ reference (b). On 8 December 1988, Commanding Officer, ██████████ notified Petitioner of administrative separation for the convenience of the government due to somnambulism. Petitioner did not object to the separation processing.

c. Petitioner was subsequently discharged on 23 December 1988. His Certificate of Release or Discharge from Active Duty (DD Form 214) states an Honorable characterization of service and "Personality Disorder" as the narrative reason for separation.

d. Petitioner filed a claim with the Board requesting a medical discharge, arguing his sleepwalking was a medical disability.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial relief. In keeping with the letter and spirit of current policy, 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.

Despite the Board's recommendation to grant partial relief, the Board concluded the preponderance of the evidence did not support medical discharge. The Board determined Petitioner was correctly separated from service, under reference (c), as he had a condition that interfered with his performance of duty but did not warrant referral to the Physical Evaluation Board.

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 23 December 1988, the narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," the separation authority was "MILPERSMAN 1910-164," and the reentry code was "RE-1J."

That a copy of this report of proceedings be filed in Petitioner's naval record.

That no further changes be made to 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

11/12/2024

