



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

██████████
Docket No. 5446-24
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) USD Memo, 25 Aug 17 (Kurta Memo)
(c) SECDEF Memo, 3 Sep 14 (Hagel Memo)
(d) PDUSD Memo, 4 Apr 24 (Vazirani Memo)
(e) Petitioner's Case File

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 permanent medical retirement.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 12 September 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 enclosures, relevant portions of the naval records, and applicable statutes, regulations, and policies to include references (b) through (d).

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. Petitioner entered active duty in the United States Navy on 23 August 2007. On 1 October 2008, Petitioner underwent non-judicial punishment (NJP) for unauthorized absence and violating Article 92 of the Uniform Code of Military Justice (UCMJ) for failure to obey an order. On 9 March 2009, Petitioner received an adverse evaluation covering the period 16 July 2008 to 10 February 2009. The evaluation noted Petitioner had "a fundamental understanding of his job requirements but lacks the initiative and drive to obtain basic qualifications placing an increased burden on his peer." On 17 March 2009, Petitioner was transferred to the transient personnel unit (TPU).

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c. Petitioner was subsequently discharged on 14 July 2009. 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 medical retirement, arguing he was targeted by his chain of command and, as a result of their behavior, developed a mental health condition in service that prevented him from continuing in the Navy. Petitioner provided documents from the Department of Veterans Affairs (VA) showing the VA service connected Petitioner for chronic post-traumatic stress disorder (PTSD).

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 references (b) through (d), 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, the Board concluded the preponderance of the evidence did not support medical retirement. The Board determined there was no evidence in Petitioner's record documenting that, at the time of Petitioner's discharge from service, he had developed a mental health condition, other than his diagnosed personality disorder, that rendered him unfit for service and warranted placement in the Disability Evaluation System. The Board was not persuaded by the VA service connection determination since 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 Petitioner's assigned reentry code remains appropriate in light of his original basis for separation.

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 14 July 2009, indicating his narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 1910-164."

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.

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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.

10/2/2024

