



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

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Docket No. 6321-24

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) USECDEF Memo of 25 Jul 18 (Wilkie Memo)
(c) USECDEF Memo of 25 Aug 17 (Kurta Memo)
(d) SECDEF Memo of 13 Sep 14 (Hagel Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion of 28 Oct 24

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

2. The Board, consisting of ■■■■■, ■■■■■, and ■■■■■, reviewed Petitioner's allegations of error and injustice on 16 December 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 (d). Additionally, the Board considered enclosure (4), an 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, he 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.

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

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[REDACTED], USN, XXX-XX-[REDACTED]

c. Petitioner enlisted in the Navy and began a period of active service on 22 April 1999.

d. On 23 April 2002, Petitioner received non-judicial punishment (NJP) for dereliction in the performance of duty. The same day, Petitioner was voluntarily admitted to the Naval Hospital for evaluation for suicidal ideations. On 26 April 2002, Petitioner was discharged from the hospital, recommended for expeditious discharge from service, and given a diagnosis of Personality disorder, not otherwise specified, with borderline features, severe, existed prior to entry.

e. Consequently, Petitioner was notified of administrative separation processing, with a least favorable characterization of General (Under Honorable Conditions) (GEN), by reason of convenience of the government – personality disorder. The Separation Authority subsequently approved and directed a GEN characterization of service. Petitioner was so discharged on 13 May 2002.

f. Petitioner contends that increased operational tempo caused a strain on his marriage, that he was immature and scared that his family would suffer the consequences of his decision making and “it seemed the only way out was to avoid service and leave the military.” For the purpose of clemency and equity consideration, Petitioner submitted advocacy letters from family members, letters of recommendation for a police chaplain position, an occupational safety course certificate, a credential of ministry, a jury duty thank you letter, and his credit report.

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 the military, which may have contributed to the circumstances of his separation from service.

In April 2002, he received non-judicial punishment (NJP) for dereliction of duty by signing overview logs as completed for safety checks without individually noting the safety check on each piece of equipment. He was subsequently hospitalized for three days following expressed suicidal ideation due to his legal stressors as well as marital discord. He reported significant marital conflict, with police involvement on three occasions. The Petitioner was recommended for separation due to personality disorder. Medical notes stated,

“He described a history of recent insomnia, decreased interest in enjoyable activities and feeling guilty about being away from his family. He also described crying spells and decreased energy... He also described frequent fighting, running away from home, stealing and anger control problems during his adolescence. He dropped out of high school...eventually getting his GED... Serial mental status examinations revealed no evidence of psychosis, organicity, medically boardable mood or anxiety disorders, suicidality or homicidality. It is the opinion of the attending psychiatrist that the

patient's history and behavior are most consistent with personality disorder."

In May 2002, he was discharged under honorable conditions. His complete service mental health records were not available for review.

Petitioner contended mental health concerns were erroneously diagnosed with personality disorder during military service.

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated during an inpatient hospitalization. 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 evaluation performed by the mental health clinician. Unfortunately, he has provided no medical evidence to support his claims.

The AO concluded, "it is my clinical opinion that there is insufficient evidence of error in the in-service diagnosis. There is insufficient evidence to attribute his misconduct 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. Specifically, 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.

Regarding Petitioner's request to upgrade his discharge characterization of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the references (b) through (d). These included Petitioner's desire for a discharge upgrade, his previously listed contentions, and the conclusions reached in the AO.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct and weighed it against his record of service. In addition, the Board concurred with the AO and determined that there is insufficient evidence of error in the in-service diagnosis and insufficient evidence to attribute his misconduct to a mental health condition other than personality disorder. As explained in the AO, Petitioner provided no

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medical evidence in support of his claim. The Board also considered the likely negative impact his conduct had on the good order and discipline of his command.

As a result, the Board concluded significant negative aspects of Petitioner's service outweighs the positive aspects and continues to warrant a GEN characterization. While the Board carefully considered the evidence Petitioner submitted in mitigation, even in light of references (b) through (d) and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct.

Finally, the Board also concluded that Petitioner's assigned reentry code remains appropriate based on his original basis for separation. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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 13 May 2002, indicating the separation authority as "MILPERSMAN 3630900," separation code as "JFF," and narrative reason for separation as "Secretarial Authority."

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.

1/16/2025

[REDACTED]