



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

Docket No. 7112-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USNR, XXX-XX [REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) SECDEF Memo of 3 Sep 14 (Hagel Memo)
(c) PDUSD Memo of 24 Feb 16 (Carson Memo)
(d) USD Memo of 25 Aug 17 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Naval record (excerpts)
(3) Advisory Opinion of 7 November 2024

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 a correction to her official military personnel file and an upgrade of her characterization of service.

2. The Board consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 6 January 2025 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 her naval service records, and applicable statutes, regulations, and policies including references (b) through (e). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was provided an opportunity to respond to the AO, she 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. Although Petitioner did not file her application in a timely manner, the statute of limitations was waived in accordance with the Kurta Memo.

b. Petitioner enlisted in the Navy Reserve on 27 April 2006. On 19 June 2006, she commenced a period of active duty for training that she completed on 3 November 2006. Upon her release from active duty, Petitioner was assigned to her Reserve unit.

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c. From 11 February 2007 through 22 July 2007, Petitioner had several unexcused absences from her required drills.

d. Consequently, Petitioner was notified that she was being recommended for administrative discharge from the Navy by reason of unsatisfactory participation in the ready reserve (unexcused absences). Petitioner was advised of and waived, with the exception of her right to submit a statement, her procedural rights. However, there was no evidence in her record that she actually submitted a statement.

e. Petitioner's commanding officer forwarded the administrative separation package to the separation authority (SA) recommending that Petitioner be administratively discharged from the Navy with a General (Under Honorable Conditions) characterization of service. The SA approved the recommendation for administrative discharge for unsatisfactory participation in the ready reserve and Petitioner was so discharged on 26 September 2007.

f. Upon her discharge, Petitioner was issued a NAVPERS 1070/613/administrative remarks documenting her reason for discharge was "Unsatisfactory Participation in the Ready Reserve," her characterization of service was "General (Under Honorable Conditions) (GEN)," her reentry code was "RE-4 (Not Recommended for Re-enlistment)," her separation code was "JHJ," and her discharge authority was "MILPERSMAN 1910-158¹."

g. Upon her discharge, Petitioner was also issued a NAVPERS 1070/615/Record of Discharge from the U.S. Naval Reserve (Inactive), erroneously documenting her reason for discharge was "Misconduct Due to Drug Use," her characterization of service was, "Other Than Honorable," her reentry code was "RE-4 (Not Recommended for Reenlistment)," and her discharge authority was "MILPERSMAN 1910-158."

h. Petitioner contends the following injustices warranting relief:

(1) She is uncertain about the exact nature of her discharge, as her records contain conflicting information. One document indicates she was discharged under general conditions for unsatisfactory participation in the reserve while another states she was discharged under Other Than Honorable (OTH) conditions for drug abuse. The latter is incorrect, as she neither used drugs nor failed a drug test;

(2) Initially, she excelled in her training and was selected for a leadership role, showcasing her potential early on. However, after returning to her reserve unit and caring for her toddler at home, she became pregnant with her son which was followed by her daughter. During this time, she unknowingly struggled with an undiagnosed mental health conditions/postpartum depression; and

(3) She believes her discharge was influenced by being perceived as "just another young Black mother who couldn't show up for a reserve weekend." She asserts that, with greater

¹ MILPERSMAN 1910-158 outlines the policies and procedures for separating enlisted drilling reservists from the Ready Reserve due to unsatisfactory participation.

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support from her leadership, she could have overcome these challenges and achieved a successful career.

i. For purposes of clemency and equity consideration, the Board noted Petitioner provided official military personnel file (OMPF) documents, two of her children's birth certificates, a character letter, a performance appraisal, and a request for medical documentation from the Department of Veterans Affairs (VA).

j. As part of the Board's review, a qualified mental health professional reviewed Petitioner's request and provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

There is no evidence that she was diagnosed with a mental health condition in military service, or that she exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. She has provided no medical evidence to support her claims. Unfortunately, her personal statement is not sufficiently detailed to establish clinical symptoms in service or provide a nexus with her misconduct, particularly as she denies substance use in service. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to her misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence to attribute her misconduct to a mental health condition."

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, as discussed above, Petitioner was issued an erroneous NAVPERS 1070/615/Record of Discharge from the U.S. Naval Reserve (Inactive) that requires correction.

Regarding Petitioner's request for a discharge upgrade, the Board found no error with her assigned GEN 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 Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, her desire for a discharge upgrade and previously discussed contentions.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined Petitioner's misconduct, as evidenced by her unauthorized absences, outweighed these mitigating factors. Additionally, the Board concurred with the AO that there is insufficient evidence of a mental health condition that may be attributed to military service or her misconduct. As explained in the AO, Petitioner provided no medical evidence in support of her claims and her personal statement is not

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sufficiently detailed to establish clinical symptoms in service or provide a nexus with her misconduct.

As a result, the Board concluded significant negative aspects of Petitioner's service outweigh 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 the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner a discharge upgrade or granting an upgrade as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of her misconduct.

Finally, the Board determined Petitioner's assigned reentry code also remains appropriate based on her record of misconduct and unsuitability for further military service. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

NAVPERS 1070/615 of 26 September 2007 be removed from Petitioner's official military personnel file.

Petitioner be issued a new NAVPERS 1070/615 reflecting that, for the period ending 26 September 2007, Petitioner's characterization of service was "General (Under Honorable Conditions)," the narrative reason for separation was "Unsatisfactory Participation in the Ready Reserve," the separation code was "JHJ," the reentry code was "RE-4," and the separation authority was "MILPERSMAN 1910-158."

No further changes be made to Petitioner's record.

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.

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1/23/2025

