



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

██████████  
Docket No. 7464-24

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ██████████

██████████, USN, XXX-XX-██████████

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)

(f) MILPERSMAN (1991)

Encl: (1) DD Form 149 w/ enclosures

(2) Advisory Opinion (AO) of 8 Nov 24

(3) Rebuttal to AO

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 discharge be upgraded to “Honorable” and that his narrative reason for separation be changed to “Secretarial Authority.” Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner’s allegations of error and injustice on 25 January 2025 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, applicable statutes, regulations, and policies, to include references (b) through (f). Additionally, the Board considered enclosure (2), an advisory opinion (AO) furnished by qualified mental health provider, and Petitioner response to the AO.

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 his application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

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

b. Petitioner enlisted in the Navy and began a period of active duty on 27 October 1998. On 25 November 1998, was diagnosed as having a personality disorder (PD), a condition which existed prior to his entry onto active duty.

c. On 1 December 1998, Petitioner was processed via notification procedures for an entry-level separation by reason of erroneous enlistment due to his PD diagnosis. He elected to waive his right to submit a statement and his separation was approved the following day by Commanding Officer, Recruit Training Command.

d. Petitioner was discharged for the reason of "Personality Disorder" with an uncharacterized entry level separation on 11 December 1998. He accumulated a net active service period of one month and 15 days.

e. Reference (f), Article 3620280, specifies that a member may be separated on the basis of erroneous enlistment or induction when the enlistment would not have occurred if the relevant facts had been known by the Navy Department, was not the result of fraudulent conduct on the part of the member, and the defect remains unchanged in any material respect.

f. A member may be separated under the basis of not meeting physical standards established in the Manual of the Medical Department, provided that a disqualifying medical condition which existed prior to entry is revealed or discovered during in-processing at Recruit Training Commands.

g. Article 3610300 of reference (f) identifies an uncharacterized separation as one which, due to the short duration of service, is uncharacterized. With few exceptions, an entry level separation initiated while a member is in an entry level status, or the first 180 days of continuous active duty, is uncharacterized unless an other than honorable conditions characterization is authorized or when characterization of service as Honorable is "clearly warranted by the presence of unusual circumstances involving personal conduct and performance of naval duty where separation is for the reason of" selected changes in service obligation, convenience of the government, disability, or a case-by-case approval of the Secretary of the Navy.

h. Petitioner contends that he began to experience depressive symptoms, difficulty concentrating, lack of energy, and sleep disturbances shortly after beginning recruit training and was referred for psychiatric testing. The examination revealed that he had experienced intermittent symptoms of a mental health condition since childhood; to include being diagnosed by a court appointed psychiatrist with manic depressive illness at the age of 11 and prescribed lithium. He believes his symptoms began after a series of immunizations which made him ill and he alleges that the mental stress the military placed him under resulted in lifelong challenges. He would like peace of mind and recognition for the time he served. He also claims clemency considerations on the basis of life threatening illness; stating that he was recently diagnosed with a liver tumor, has limited treatment options, and is not a candidate for surgery.

i. Because Petitioner contends that his mental health condition was exacerbated by military service and contributed to his discharge, the Board requested the AO for consideration. The AO stated in pertinent part:

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While it is possible that the Petitioner may have been experiencing symptoms of Bipolar Disorder in service, there is insufficient evidence to attribute his Bipolar Disorder or Personality Disorder symptoms to his military service, particularly given his failure to disclose his preservice mental health symptoms and apparent long-standing history of symptoms of Bipolar or Personality Disorder.

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 of error in his in-service evaluation of his mental health symptoms."

j. In response to the AO, Petitioner submitted rebuttal evidence for consideration. After reviewing the rebuttal evidence, the AO remained unchanged.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of the Hagel, Kurta, and Wilkie Memos, 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. As he was processed for the specific reason of an erroneous enlistment due to the disqualifying physical condition of his mental health diagnosis, the Board concluded that the appropriate narrative reason for separation should be corrected to reflect "Erroneous Enlistment."

Notwithstanding the recommended corrective action below, the Board determined Petitioner's uncharacterized entry level separation remains appropriate. The Board noted, consistent with the AO, that Petitioner was diagnosed with a disqualifying PD during an in-service mental health evaluation. His records reflect that he was properly notified and processed in accordance with all applicable regulations regarding erroneous enlistments of members in an entry-level status. Petitioner's net active service of one month and 15 days fell within the 180-day period established by regulation, and applicable to all branches of service, during which members remain in an entry-level status. The Board found none of the aforementioned exceptions applicable which might otherwise render a member's service as characterized despite entry-level status. Further, the Board found no evidence of error or injustice in Petitioner's exceedingly brief period of service remaining uncharacterized; regardless of his mental health contentions. Rather, the Board concluded that the application of even the most liberal consideration would not alter the regulatory provisions governing the uncharacterized discharge of a member in an entry-level status for the reason of an erroneous enlistment.

Finally, the Board determined Petitioner's assigned reentry code also remains appropriate in light of his unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending 11 December 1998, his uncharacterized entry level separation discharge was issued under the authority of "MILPERSMAN 3620280," with a narrative reason for separation of "Erroneous Enlistment," and "JFF" separation code.

That 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 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.

2/5/2025

