



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

Docket No. 8892-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, [REDACTED]

Ref: (a) Title 10 U.S.C. §1552
(b) SECDEF Memo of 13 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 w/attachments
(2) Naval record (excerpts)
(3) Advisory Opinion

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 for an upgrade of his characterization of service, change his narrative reason for separation and that his naval record be corrected to reflect his current name.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 February 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 (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, 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 regulation 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 the Kurta Memo.

c. Petitioner enlisted in the Navy and began a period of active duty on 12 July 1995. The name listed on his enlistment contract is [REDACTED]

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d. On 21 December 1995, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) and failure to obey order or regulation.

e. On 5 January 1996, Petitioner commenced a period of UA that concluded upon his surrender to military authorities on 11 January 1996; a period totaling six days.

f. During the period from November 1995 to January 1996, Petitioner participated in four treatment sessions with a mental health provider. Petitioner was subsequently diagnosed with personality disorder.

g. On 19 January 1996, Petitioner was notified that he was being considered for an administrative separation from the Navy for the convenience of the government on the basis of personality disorder; as evidenced by medical diagnosis by competent military authority and misconduct due to commission of a serious offense. Petitioner was advised of and waived his procedural right to consult with military counsel and to present his case to an administrative discharge board. Petitioner, however, did provide a voluntary statement. Petitioner's statement stated, in part:

I, [Petitioner] went UA for the simple fact I can't handle the Navy lifestyle any longer. I rather be dead than stay in the Navy any longer. Also, Sir I cannot be a part of this ship considering the way I feel. I don't want to be responsible for anyone life but my own considering the state of mind I'm in. I'm not only a danger to myself but a danger to others if I stay on this ship or in the Navy any longer.

h. Petitioner's commanding officer recommended to the separation authority (SA) that Petitioner be administratively discharged from the Navy with an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation for administrative discharge; however, directed Petitioner's administrative discharge from the Navy with a General (Under Honorable Conditions) characterization of service by reason of misconduct due to commission of a serious offense. Ultimately, on 12 March 1996, Petitioner was so discharged.

i. Petitioner contends that he incurred Post Traumatic Stress Disorder (PTSD) during his military service, which may have contributed to the circumstances of his separation from the Navy.

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

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. 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. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. Temporally remote to his military service, he has

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received diagnoses of PTSD and other mental health concerns that are attributed to military service. However, there is no evidence of error in his in-service diagnosis. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is post-service evidence from the Department of Veterans Affairs (VA) clinicians of diagnoses of PTSD and other mental health concerns that may be attributed to military service. There is insufficient evidence to attribute the circumstances of his separation from service to PTSD or another 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, the Board noted Petitioner's submission of supporting documentation from the Circuit Court for [REDACTED] that his name was changed and determined it was in the interests of justice to do so.

With regard to Petitioner's request for an upgrade of his discharge character of service and change to his narrative reason for separation, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with references (b) through (e). These included, but were not limited to, Petitioner's desire to upgrade his discharge character of service, change his narrative reason for separation, and the previously mentioned contentions' raised by Petitioner in his application. For purposes of clemency and equity consideration, the Board considered the evidence Petitioner provided in support of his application.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant granting a change to his assigned characterization of service. 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 Petitioner's misconduct and that his conduct showed a complete disregard for military authority and regulations. Further, the Board concurred with the AO that, while there is post-service evidence from the VA clinicians of a diagnoses of PTSD and other mental health concerns that may be attributed to military service, there is insufficient evidence to attribute the circumstances of Petitioner's separation from service to PTSD or another mental health condition, other than personality disorder. The Board agreed Petitioner's diagnosis of PTSD and other mental health concerns is too temporally remote from his military service. Therefore, even in light of references (b) through (e) 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 determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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RECOMMENDATION

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

Petitioner shall be issued a DD Form 215, for the period ending 12 March 1996, indicating his name as [REDACTED]."

That no further correction action be taken on Petitioner's naval record.

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

4. It is certified that 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.

3/13/2025

