



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. 8896-24
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) 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 a change to his narrative reason for separation.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 19 March 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 28 July 1986.

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d. On 4 October 1988, Petitioner received non-judicial punishment (NJP) for failure to obey order or regulation and driving under the influence.

e. On 16 October 1988, Petitioner was issued an administrative remarks (Page 13) counseling concerning deficiencies in his performance and conduct. Specifically, driving on a suspended license and driving under the influence.

f. On 22 November 1988, Petitioner received a mental health evaluation and was diagnosed with adjustment disorder with depressed mood, severe, and personality disorder, not otherwise specified (NOS), with immature, borderline, and antisocial features.

g. Subsequently, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of convenience of the government due to personality disorder. Petitioner was advised of and waived his procedural right to consult with military counsel.

h. On 2 May 1989, Petitioner received his second NJP for failure to obey order or regulation.

i. The separation authority directed Petitioner's administrative discharge from the Navy with an Honorable (HON) character of service by reason of convenience of the government due to a diagnosed personality disorder and Petitioner was so discharged on 8 June 1989.

j. Petitioner contends his current psychiatrist determined that he was misdiagnosed. For purposes of clemency and equity consideration, the Board considered the evidence Petitioner submitted in support of his application.

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

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated over multiple inpatient psychiatric hospitalizations. 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. The Petitioner also received an in-service diagnosis of Adjustment Disorder that has been deemed chronic by a post-service VA psychiatrist. Unfortunately, there is insufficient evidence of error in his in-service diagnosis, which was conservatively assigned over extensive observation. Inconsistencies in his service treatment record as reported by the VA, which only cites one hospitalization, and as present in his official record, which reports three inpatient psychiatric stays in a two-month period, further support the in-service diagnosis. Additional records (e.g., post-service mental health records describing

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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 in-service and post service evidence by the VA of a mental health condition that may be attributed to military service. There is insufficient evidence of error in his in-service diagnosis."

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants relief. Specifically, in keeping with the letter and spirit of the references (b) through (e), the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior and/or personality 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. The Board determined 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 Certificate of Release or Discharge from Active Duty (DD Form 214).

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:

That Petitioner be issued a new DD Form 214 reflecting that, for the period ending 8 June 1989, Petitioner's narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," the separation authority was "MILPERSMAN 1910-164," and reenlistment code was "RE-1J."

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.

4/3/2025

Executive Director

Signed by: [REDACTED]