



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

██████████
Docket No. 8932-24
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) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1910-122

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

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 naval record be corrected by upgrading his characterization of service, restoring his rate to SN/E-3, and changing his narrative reason for separation to "disability."

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 12 December 2024 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 relevant portions of the naval record, and applicable statutes, regulations, and policies.

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. Petitioner entered active duty in the United States Navy on 15 August 2007. Petitioner was seen for psychiatric evaluation at ██████████ fourteen times between April 2008 and January 2009. On 8 January 2009, Commanding Officer (CO) NHP recommended administrative separation of the Petitioner based on Petitioner's difficulty adjusting to the military environment and diagnosis of Personality Disorder. The memorandum further stated there was evidence that the Personality Disorder existed prior to Petitioner's enlistment and that Petitioner had been in treatment at mental health over six months with changes in medication with inadequate response. Petitioner received an administrative counseling on 13 January 2009 regarding his diagnosis, and warning of administrative separation if Petitioner committed misconduct. On 12 February 2009, Petitioner underwent nonjudicial punishment for being in an unauthorized absence status on 6 February 2009. As punishment, he received restriction and extra duties for 14 days, forfeiture of pay, and reduction in rate to E-2. On 19 February 2009,

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XXX-XX-[REDACTED]

Petitioner's CO notified Petitioner of administrative separation processing for the convenience of the government due to personality disorder. Petitioner was advised of his rights and did not object to the separation processing.

c. Petitioner was discharged on 15 May 2009; his Certificate of Release or Discharge from Active Duty (DD Form 214) states a General (Under Honorable Conditions) characterization of service and "Personality Disorder" as the narrative reason for separation.

d. Petitioner filed a claim with the Board requesting an upgrade to his characterization of service to Honorable, a restoration of his rate to SN/E-3, and a change to his narrative reason for separation to disability. Petitioner contends he was suffering from a mental health condition before discharge and was later diagnosed by the Department of Veterans Affairs with Schizoaffective Disorder, Depressive Type at a 100% rating, effective May 2021.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial relief. The Board found Petitioner's DD Form 214 contains a diagnosis in the narrative reason for separation section and there is potential stigma for public disclosure of the diagnosis in the document. The Board determined that Petitioner's narrative separation reason on his DD Form 214 warranted a change to Secretarial Authority with a corresponding Separation Program Designator (SPD) code.

Despite the Board's recommendation to grant partial relief, the Board concluded the preponderance of the evidence did not support a medical board review. At the outset, the Board acknowledged that it substantially concurred with the contemporaneous findings and recommendation of the qualified medical professionals who evaluated and diagnosed Petitioner in 2008. The Board found the recommendation to administratively separate Petitioner to be reasonable and based on substantial evidence in the record. While the Board carefully considered petitioner's contentions and evidence, on balance, it was not persuaded by the arguments he made, and noted they did not sufficiently rebut the findings of the medical personnel in 2008. The Board determined Petitioner was correctly administratively separated from service, under reference (b) as he had a condition that interfered with his performance of duty but did not warrant referral to the Physical Evaluation Board. Additionally, the Board did not find error or injustice in the imposition of nonjudicial punishment or the characterization of service, given his misconduct which led to his reduction in rate from SN/E-3 to SA/E-2.

RECOMMENDATION

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

Issue Petitioner a new DD Form 214 and change Petitioner's narrative reason for separation to Secretarial Authority and change Petitioner's SPD to the corresponding code.

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

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That no further changes be made to 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

2/5/2025

