



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

[REDACTED]
Docket No. 9113-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN,
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)
(b) USD Memo of 25 Aug 17 (Kurta Memo)
(e) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

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 under honorable conditions by reason of "Personality Disorder" be upgraded to "Honorable" and that his narrative reason for separation be changed to either "Secretarial Authority" or "Miscellaneous / General Reasons." Enclosures (1) applies.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 21 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). Additionally, although an advisory opinion (AO) was furnished by qualified mental health provider, the Board determined that the AO¹ was unnecessary in light of the specific issues presented relevant to the Board's conclusion.

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.

¹ Petitioner also provided a rebuttal to the AO.

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b. Petitioner enlisted in the Navy and began a period of active duty on 10 August 2001. During his first period of enlistment, he received a letter of commendation for his performance from March 2004 through August 2004. He was awarded the Good Conduct medal on 9 August 2004 and immediately reenlisted on 7 December 2004.

c. On 9 September 2005, Petitioner was referred by his command for an emergency psychiatric evaluation secondary to impulsive self-mutilation behavior. He was diagnosed with Adjustment Disorder with Mixed Disturbance of Emotions and Conduct, Alcohol Dependence with Psychological Dependence (in sustained partial remission), Polysubstance Dependence (in sustained full remission), Nicotine Dependence, and Borderline Personality Disorder.

d. Petitioner was expeditiously processed for administrative separation by reason of convenience of the government due to his diagnosed Personality Disorder and was discharged with a General (Under Honorable Conditions) (GEN) characterization of service on 30 September 2005. Incident to his separation, he was issued a final performance evaluation rating him with a 3.0 trait average and assessing him as promotable: without reference to any adverse matters. Upon his discharge, Petitioner was issued a DD Form 214 that did not annotate his period of continuous Honorable service from 10 August 2001 to 6 December 2004.

e. Petitioner previously applied to the Naval Discharge Review Board, which reviewed his request for an upgraded characterization of service and denied relief; citing the presumption of regularity in the government's conduct of its affairs and the applicant's burden of overcoming this presumption through the presentation of substantial and credible evidence.

f. Petitioner contends that his in-service diagnosis of Personality Disorder was erroneous and that he was suffering symptoms and behaviors associated with his post-discharge diagnosis of post-traumatic stress disorder (PTSD), due in part to a traumatic incident while deployed after ordinance exploded aboard the ship causing multiple casualties. Consistent with his official military personnel file (OMPF), he asserts that he committed no misconduct during his military service and, rather, that he received awards and recognitions, to include his Good Conduct medal. He believes that it was erroneous and unjust that he was assigned a GEN characterization rather than fully Honorable and points out that his final fitness report rated him as promotable with a 3.0 trait average notwithstanding his impending administrative discharge. For the purposes of clemency and equity consideration and in support of his contentions, Petitioner submitted a personal statement, service records, his Disability Benefits Questionnaire from the Department of Veterans Affairs (VA), documentation of the event which he cites as his traumatic stressor, and character letters.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief.

First, 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

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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.

Second, the Board concurred with Petitioner's contentions regarding the absence of documented misconduct in his service record, the fact his trait average from his performance evaluations qualify for an Honorable characterization of service, and that in his final recommendation he was recommended for promotion notwithstanding his administrative separation. In reviewing Petitioner's record, the Board found insufficient evidence to support a characterization of service as less than fully Honorable and, in light of the basis for his separation pertaining to mental health diagnoses, concluded that his discharge characterization of under honorable conditions resulted from actual error rather than a deficiency in his performance or conduct.

Third, as previously discussed, the Board observed that Petitioner was issued a DD Form 214 that did not annotate his period of continuous Honorable service and requires correction. However, in light of the Board's conclusion that Petitioner's service warranted an Honorable characterization, the Board found it unnecessary to correct the error in his block 18 remarks.

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 30 September 2005, he was discharged with an "Honorable" characterization of service, under the authority of "MILPERSMAN 1900-164," with a narrative reason for separation of "Secretarial Authority," separation code of "JFF," and that reentry code of "RE-1J."

That Petitioner be issued an Honorable Discharge certificate.

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

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

4/10/2025

