



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

██████████
Docket No. 0204-25
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) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)
(c) USECDEF Memo of 25 Aug 17 (Kurta Memo)
(d) SECDEF Memo of 13 Sep 14 (Hagel Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion of 21 Apr 25

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting a discharge be upgrade. Enclosures (1) through (4) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 9 June 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, and applicable statutes, regulations, and policies, to include references (b) through (d). Additionally, the Board considered, enclosure (4), an advisory opinion (AO) furnished by qualified mental health provider; which was considered favorable toward Petitioner.

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. 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 service on 15 June 2004.

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d. Petitioner's medical record indicates that, on 21 March 2007, he was seen for suicidal ideation and depression. He was diagnosed with Adjustment Disorder with Mixed Anxiety and Depressed Mood. He was also referred to Fleet and Family Service Center (FFSC) for a stress management program and recommended to follow up with outpatient psychiatry social work for further treatment.

e. Petitioner's medical record also indicates that, on 10 September 2007, he was pending arrival at a military treatment facility following a medical evacuation from ██████████ for outpatient psychiatric treatment. On 16 September 2007, he was diagnosed with Depression and Borderline Personality Disorder. He also self-reported that he drank too much alcohol. On 19 September 2007, he was instructed to follow up within four days, if not sooner, at the psychiatry clinic. His diagnosis, at that time, was again Adjustment Disorder w/ Anxiety and Depressed Mood. On 24 September 2007, his medical record indicates he was recommended to completely abstain from alcohol, attend Alcoholics Anonymous, attend Level III SARP treatment, and seek individual counseling as well as anger and stress management classes at FFSC.

f. On 10 October 2007, Petitioner commenced a period of unauthorized absence (UA) ended on 26 November 2007. On his return, he was found psychologically fit to return to full duty.

g. Not all of the documents pertinent to Petitioner's administrative separation are present in his official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214), he was separated, on 21 December 2007, with an "Under Other Than Honorable Conditions" (OTH) characterization of service, narrative reason for separation of "In Lieu of Trial by Court-Martial," reentry code of "RE-4", and separation code of "KFS;" which corresponds to "in lieu of trial by court-martial."

h. Petitioner contends, at the time of separation, he was battling depression and alcohol addiction related to his wife's infidelity. He stated no one tried to help him or see what was going on. He further states it took a lot out of him and that he gave up on everything, and everyone gave up on him. Petitioner did not provide any materials in support of his application.

k. As part of the Board's review, the Board considered enclosure (4). The AO states in pertinent part:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated on multiple occasions. His adjustment disorder and personality disorder diagnoses were based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluations performed by the mental health clinicians. 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. An adjustment disorder is considered to be a temporary mental

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health concern that resolves once the stressor, often military service, is removed. It is plausible that his UA could be attributed to mental health concerns. However, inconsistencies in his report over time raise doubt regarding his candor. It is likely if his pre-service mental health history were disclosed during pre-enlistment processing, he would not have been accepted for military service.

The AO concluded, "There is in-service evidence of a mental health condition that may be related to military service. There is some evidence that his misconduct may be attributed to a mental health condition."

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. The Board reviewed his application under the guidance provided in references (b) through (d).

In this regard, the Board noted Petitioner's misconduct and does not condone his actions. However, the Board concurred with the AO and determined that there is in-service evidence of a mental health condition that may be related to military service and some evidence that Petitioner's misconduct may be attributed to a mental health condition. After carefully considering the evidence, the Board felt that Petitioner's mental health condition should mitigate the misconduct he committed while on active duty since this condition outweighed the severity of the misconduct. The Board additionally noted Petitioner recognized his own difficulties and sought help. Therefore, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner's service as OTH and re-characterization to Honorable is now more appropriate. Based on the same rationale, the Board determined it was also in the interests of justice to change Petitioner's narrative reason for separation, separation authority, separation code, and reentry code to reflect a Secretarial Authority discharge.

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

RECOMMENDATION

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 21 December 2007, indicating he was discharged with an "Honorable" characterization of service, separation authority of "MILPERSMAN 1910-164," separation code of "JFF," narrative reason for separation of "Secretarial Authority," and reentry code of "RE-1J."

That Petitioner be issued an Honorable Discharge Certificate.

That no further changes be made to Petitioner's record.

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

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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.

6/24/2025

[REDACTED]

Executive Director

Signed by: [REDACTED]