



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

[REDACTED]
Docket No. 462-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED], USN, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

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 to upgrade his discharge characterization and make certain conforming changes to his DD Form 214 following his involuntary discharge for a personality disorder.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 31 January 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 reference (b).

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, it is in the interests of justice to review the application on its merits.

c. The Petitioner enlisted in the U.S. Navy and began a period of active duty service on 29 June 2000. Petitioner's pre-enlistment physical examination, on 8 June 2000, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms. On 26 January 2001 Petitioner reported for duty on board the [REDACTED] in [REDACTED].

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d. On 10 July 2001 Petitioner commenced a period of unauthorized absence (UA) that terminated after thirty (30) days on or about 9 August 2001.

e. Following his return to military authorities, Petitioner's command initiated administrative separation proceedings by reason of convenience of the government due to a personality disorder. The least favorable discharge characterization Petitioner could receive was general (under honorable conditions) (GEN).

f. On 15 August 2001 the Commanding Officer (CO) for Naval Base [REDACTED] directed the local Personnel Support Detachment (PSD) to discharge Petitioner with a GEN discharge due to a personality disorder. On 16 August 2001 the CO further instructed PSD to assign an RE-4 reentry code. Ultimately, on 17 August 2001 Petitioner was discharged from the Navy with a GEN discharge characterization and was assigned an RE-4 reentry code. The Board specifically noted on Petitioner's DD Form 214 that the narrative reason for separation was "Personality Disorder."

g. Petitioner contended, in part, that his command advised him that a personality disorder discharge would be a less damaging alternative than a "don't ask, don't tell" (DADT) discharge. Petitioner further contended that he was pressured to sign his administrative separation paperwork, and that the true reason for his separation was based on DADT-related reasons.

CONCLUSION:

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

The Board initially determined that Petitioner's administrative separation for a personality disorder was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy at the time of his discharge. The Board noted that personality disorders are characterized by a longstanding pattern of unhealthy behaviors, dysfunctional relationships, and maladaptive thinking patterns. They are not conditions considered unfitting, disabling, or impair one's ability to be accountable for their actions or behaviors, but render service members unsuitable for military service and consideration for administrative separation. The Board also determined that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should otherwise not be held accountable for his actions.

The Board disagreed with any contentions that Petitioner was either misdiagnosed, and/or that the real reason for his separation was for DADT-related reasons. The Board noted that Petitioner did not provide any evidence to substantiate or corroborate his contention that his personality disorder separation was instead a subterfuge for a DADT-related discharge, and the Board was not persuaded as such.

However, the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior disorder. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical

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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.

The Board, however, did not believe that Petitioner's record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of his conduct and/or performance greatly outweighed any positive aspects of his military record. The Board determined the record reflected that Petitioner's misconduct was willful and intentional and demonstrated he was unfit for further service. The Board also determined that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should not be held accountable for his actions. The Board determined that characterization under other than honorable conditions (OTH) or GEN conditions is generally warranted for misconduct and is appropriate for certain conduct involving the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor. Petitioner left the Navy while he was still contractually obligated to serve, and he went into a UA status without any legal justification or excuse for approximately thirty (30) days. While the Board carefully considered the evidence Petitioner submitted in mitigation, even in light of Wilkie Memo 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 relief as a matter of clemency in the form of an upgraded discharge characterization. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct.

Notwithstanding the relief granted below, the Board did not find a material error or injustice with the Petitioner's reentry code. The Board concluded the Petitioner was assigned the correct reentry code based on the totality of his circumstances, and that such reentry code was proper and in compliance with all Department of the Navy directives and policy at the time of Petitioner's discharge.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating his narrative reason for separation was "Secretarial Authority," the separation authority was "MILPERSMAN 1910-164," and the separation code was "JFF."

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.

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.

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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.

2/14/2025

