

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

e. 26 May 1976, Petitioner received a mental health evaluation and was diagnosed with an inadequate personality disorder and passive dependent personality. He recommended for administrative separation based on his diagnosis and desire to be discharged.

f. Subsequently, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of unsuitability - character and behavior disorder. Petitioner was advised of and waived his procedural right to consult with military counsel and to submit a rebuttal statement to his administrative separation processing.

g. The separation authority directed Petitioner's administrative discharge from the Navy with a General (Under Honorable Conditions) (GEN) character of service by reason of character and behavior disorders. Petitioner was so discharged on 18 June 1976.

h. Petitioner contends the following injustices warranting relief:

(1) Due to circumstances surrounding a pay dispute, possible embezzlement of payroll by others, and a lack of timely responsive correction by his chain of command upon his reporting, a correction to his records would be right and just;

(2) Any time he was absent from the ship he was in furtherance of the investigation into missing funds; and

(3) He was travelling to or in custody at [REDACTED] to continue restorative communications with his Senator toward resolving the issues akin to a whistleblower hence reprisal.

CONCLUSION

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

In keeping with the letter and spirit of the 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 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 DD Form 214. Accordingly, the Board concluded that Petitioner's narrative reason for separation, separation code and, separation authority should be changed to reflect a Secretarial Authority discharge in the interests of justice to minimize the likelihood of negative inferences being drawn from his naval service in the future. Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned reentry code remains appropriate in light of his unsuitability for further military service.

Regarding Petitioner's request for a discharge upgrade, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in his case in accordance with reference (b). These included, but were not limited to, Petitioner's

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desire for a discharge upgrade and the previously mentioned contentions raised by Petitioner in his application. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which consisted solely of his DD Form 149 without any other additional documentation.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant granting a change to his assigned characterization of service. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP and SCM conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct and concluded his misconduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given opportunities to correct his conduct deficiencies but chose to continue to commit misconduct; which led to his GEN discharge. His conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. Furthermore, the Board determined that the evidence of record did not demonstrate that Petitioner was not responsible for his conduct or that he should otherwise not be held accountable for his actions. The Board found that his misconduct was intentional and made him unsuitable for continued naval service.

Finally, the Board found no evidence to support Petitioner's contention that he was discharged as a reprisal action.

Therefore, the Board determined that there was no impropriety or inequity in Petitioner's discharge and concluded that his misconduct and disregard for good order and discipline clearly merited his discharge. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner a discharge upgrade or granting an upgrade as a matter of clemency or equity. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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 Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending on 18 June 1976, Petitioner's narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "Bupers Authority 3850220."

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.

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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.

6/5/2025

