



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

██████████
Docket No. 2192-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████

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 4 Jun 25

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

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 18 July 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 a qualified mental health provider. Although Petitioner was afforded an opportunity to submit a rebuttal to the AO, he chose not to do so.

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 24 July 1991.

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d. On 8 February 1992, Petitioner was referred by his command for a psychological consult due to history of violent emotional outbursts. Notes in his official medical record indicate he reported suicide ideations and was involved in physical violence resulting in broken glass and injuries from broken glass to other servicemembers. He also threatened to kill the mess deck Master at Arms. The consultation resulted in a diagnosis of Adjustment Disorder.

e. On 25 February 1992, Petitioner was recommended for medical separation.

f. On 28 February 1992, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA), insubordinate conduct toward a Petty Officer, failure to obey an order or regulations, destruction of military property, and assault.

g. On 7 March 1992, an administrative remark was made in Petitioner's Official Military Personnel File (OMPF), indicating he was not eligible for reenlistment due to "other physical mental conditions personality."

h. On 10 March 1992, Petitioner was notified of intended administrative separation processing for convenience of the government on the basis of Personality Disorder. He elected the right to obtain copies of documents used in the separation process and to submit a written statement. In his statement, he requested separation as quickly as possible, said he did not feel he was right for the Navy, that his short career had deeply saddened him, that he had trouble adjusting, and that the Navy had taken a serious toll on his sanity.

i. His commanding officer recommended his separation and he was discharged with a General (Under Honorable Conditions) (GEN) characterization of service on 6 April 1992.

j. Petitioner contends he served his country honorably at [REDACTED] Air Station and that an Honorable discharge will help his Department of Veterans Affairs status and quality of living. For purposes of clemency and equity consideration, he provided his DD Form 149 and a personal statement.

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 and properly evaluated on during his enlistment. His personality and adjustment disorder diagnoses were based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service. An adjustment disorder indicates a reaction to a stressor, such as military service. Typically, the conditions resolves once the stressor is removed, such as separation from service. There is no evidence of a diagnosis of PTSD in the record and the Petitioner has provided no medical evidence to support his claims. His in-service misconduct appears to be consistent with his diagnosed personality disorder, rather than evidence of PTSD. Additional

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records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "There is insufficient evidence of a diagnosis of PTSD that may be attributed to military service. There is in-service evidence of a mental health condition (adjustment disorder) that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to PTSD or another mental health condition other than personality disorder."

CONCLUSION

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

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned characterization of service remains appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, his desire for a discharge upgrade and his previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and found that his conduct showed a complete disregard for military authority and regulations. Additionally, the Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate; a standard Petitioner failed to meet. The Board weighed Petitioner's misconduct against the brief duration of his service, and without any indication in his record of meritorious service, determined his record continues to warrant a GEN characterization.

Further, the Board concurred with the AO that there is insufficient evidence that his misconduct may be attributed to PTSD or another mental health condition other than personality disorder. As explained in the AO, Petitioner's in-service misconduct appears to be consistent with his diagnosed personality disorder, rather than evidence of PTSD. Therefore, the Board 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. Moreover, even if the Board assumed that Petitioner's misconduct was somehow attributable to any mental health

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conditions, the Board unequivocally concluded that the severity of his serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

Even in light of the Kurta, Hagel, and Wilkie Memos 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 the requested relief as a matter of clemency or equity.

Finally, the Board concluded that Petitioner's assigned reentry code also remains appropriate in light of his record of misconduct and unsuitability for further military service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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 6 April 1992, indicating he was discharged with a separation authority of "MILPERSMAN 1910-164," separation code of "JFF," and narrative reason for separation of "Secretarial Authority."

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.
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.

7/25/2025

