



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

JCB
Docket No. 2959-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Petitioner's Official Military Personnel Folder

Encl: (1) DD Form 149 w/attachments

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), seeking to have his entry level separation be changed to a medical disability retirement.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 22 May 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. 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.

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's application was not filed in a timely manner, the Board waived the statute of limitations and considered the case on its merits in the interest of justice.

b. A review of Petitioner's reference (b) reveals that Petitioner enlisted in the Navy and commenced a period of active duty on 28 August 1984. Petitioner's record does not appear to contain his complete discharge documentation but he provided a medical record, dated 17 September 1984, reflecting that, he was diagnosed with Avoidant Personality Disorder while he was in service. He also provided a 26 September 1984 Aptitude Board Report Cover Sheet; which reported the recommendation that Petitioner be discharged due to Convenience of the Government. According to the Aptitude Board Report Cover Sheet, Petitioner was not in need of hospitalization, had not completed recruit training, was counseled concerning his deficiencies, his condition existed prior to entry into service, and his condition was not aggravated by service. On 3 October 1984, Petitioner was discharged due to Other

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Physical/Mental Condition – Personality Disorder and assigned an uncharacterized entry level separation.

c. In his petition, Petitioner requests that his entry level separation be changed to a medical disability retirement. In support of his request, Petitioner avers that a fellow Sailor in the hospital with him got a medical discharge due to mental health issues. He also argued that he served in the Civil Air Patrol for 10 years and reached the rank of major. He further argued that Petitioner's commanding officer supported him staying in service.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, in keeping with the letter and spirit of current policy guidance, 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 was appropriately discharged based on his preexisting personality disorder. In its review of the entirety of Petitioner's materials as described above, the Board concluded that there was no error or injustice in the fact that, while he was in service, Petitioner had not been placed into the Disability Evaluation System (DES) or retired due to a disability based on an unfitting condition. In reaching its decision, the Board observed that in order to qualify for military disability benefits through the DES with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. The Board also considered that it applies 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.

The Board concluded that Petitioner's available naval records did not contain sufficient evidence that he exhibited an unfitting condition within the meaning of the DES while he was on active duty. Similarly, the Board noted that Petitioner failed to provide sufficient documents evidencing that he exhibited an unfitting condition. In addition, the Board found that the basis for his discharge from active duty due to personality disorder was supported by rational medical evidence as well as the finding of an Aptitude Board conducted while he was in service. The Board was not persuaded by Petitioner's assertion that he spent time in a hospital with another Sailor that ultimately received a service disability discharge or retirement. Similarly, the Board found Petitioner's assertion that he competently served, post-service, in the U.S. Air Force

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Auxiliary – Civil Air Patrol, and reached the rank of major, was inconsistent with him being unfit at the time of his discharge from the Navy. Accordingly, based on the foregoing, the Board denied Petitioner’s request for a military disability retirement.

Finally, the Board determined Petitioner’s assigned reentry code remains appropriate in light of his unsuitability for further military service. 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 the following corrective action.

Petitioner shall be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending on 3 October 1984, Petitioner’s narrative reason for separation was “Secretarial Authority,” the SPD code assigned was “JFF,” and the separation authority was “MILPERSMAN 1910-164.”

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.

6/2/2025

