



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

[REDACTED]  
Docket No. 3139-25  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) USD Memo, "Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions Sexual Assault, or Sexual Harassment," of 25 August 2017  
(c) USD Memo, "Clarifying Guidance to Boards for Correction of Military/Naval Records Considering Cases Involving Both Liberal Consideration Discharge Relief Requests and Fitness Determinations," of 4 April 2024  
(d) Official Military Personnel File (OMPF)

Encl: (1) DD Form 149 w/enclosures  
(2) Certificate of Release or Discharge from Active Duty (DD Form 214)

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 medical retirement.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 8 May 2025 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of naval records, and applicable statutes, regulations, and policies, to include references (b) and (c), the 25 August 2017 guidance from the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) (Kurta Memo) and the 4 April 2024 guidance from the USD (P&R) regarding review of cases involving both liberal consideration discharge relief requests and fitness determinations (Vazirani Memo).

3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy. Although Petitioner did not file his application in a timely manner, the statute of limitation was waived in accordance with the Kurta Memo.

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b. A review of reference (d) reveals Petitioner enlisted in the Navy and entered active duty on 30 April 1996. On 9 February 1998, Petitioner was evaluated for fitness for duty in the context of depressive symptoms and an expressed desire to leave the Navy. The clinical psychiatrist noted he was initially quiet and appeared suspicious but, as the interview progressed, he became more talkative and displayed both intense anger and sadness. Petitioner clearly stated “he was intent on getting out of the Navy so that he could earn enough money to provide for his nine children and that he felt justified in harming or killing anyone who threatened his plan.” The provider recorded that Petitioner “felt he was near his breaking point and that he needed to leave the Navy so that he could devote himself to restoring his sense of self-esteem, which was tied to his ability to pay for his children.” Although he denied active suicidal or homicidal thoughts, Petitioner described “violent fantasies of choking people who might stand between him and his children.” Petitioner was diagnosed with personality disorder. Although the provider found him fit for duty, Petitioner was deemed unsuitable for continued Naval Service on the basis of his severe and persistent personality disorder. The attending psychiatrist advised expeditious administrative separation, specifically noting Petitioner was not considered mentally ill “and returns as psychiatrically fit for duty, not requiring a medical board.”

c. Commanding Officer (CO), [REDACTED], notified Petitioner that he was being considered for administrative separation by reason of convenience of the government based on his diagnosed personality disorder as evidenced by his 9 February 1998 Mental Health Intake Report. Petitioner waived his right to submit a statement or seek General Court Martial Convening Authority review and only elected to obtain copies of the documents that would be forwarded to the Separation Authority supporting the basis for the proposed separation. Based on the clinical psychiatrist’s 9 February diagnosis and recommendation, CO, [REDACTED], directed Petitioner’s discharge due to personality disorder. On 27 February 1998, Petitioner was discharged with an Honorable characterization of service by reason of convenience of the government due to personality disorder. See enclosure (2).

d. Petitioner contends he should be medically retired because he has a mental disability. He contends the Department of Veterans Affairs (VA) “fixed the error” which, coupled with his separation reason, is “proof” he should be medically retired. In support of his request for relief, Petitioner submitted medical records and his January 2025 VA decision which found service-connection for adjustment disorder with mixed anxiety, depressed mood with somatic symptom disorder, effective 30 August 2022. See enclosure (1).

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board concluded Petitioner’s request warrants partial relief.

Specifically, the Board observed Petitioner’s DD Form 214 at enclosure (2) describes his narrative reason for separation as “Personality Disorder.” In keeping with the letter and spirit of current guidance, the Board determined it would be an injustice to label one’s discharge as being for a diagnosed character, 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

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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 had no basis for medical discharge or retirement and denied his request. In keeping with the letter and spirit of the clarifying guidance derived from the Kurta and Vazirani memos, the Board gave liberal and special consideration to Petitioner's record of service and his contentions about any traumatic or stressful events experienced and their possible adverse impact on his service. In reaching its decision, the Board fully considered and applied the clarifying guidance. The Board observed that in order to qualify for military disability benefits through the Disability Evaluation System (DES) with a finding of unfitness, a service member must be unable to perform the duties of his/her office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if his/her 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.

In reviewing Petitioner's record, the Board concluded the preponderance of the evidence does not support a finding that he met any of the criteria for unfitness at the time of his discharge. Specifically, his 9 February 1998 mental health assessment determined Petitioner was "psychiatrically fit for duty, not requiring a medical board." The Board found Petitioner failed to provide sufficient evidence to demonstrate he had an unfitting condition at the time he was discharged from active duty with a personality disorder.

The Board further considered that, to the extent Petitioner relied upon post-service findings by the VA, the VA does not make determinations as to fitness for service as contemplated within the service DES. Rather, eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated.

Accordingly, based on the foregoing, the Board denied Petitioner's requested relief. In addition, the Board determined Petitioner's assigned reentry code remains appropriate in light of his unsuitability for further military service.

## RECOMMENDATION

In view of the above, the Board recommends the following corrective action be taken on Petitioner's naval record.

Petitioner shall be issued a new DD Form 214, for the period ending 27 February 1998, indicating his narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," and the separation authority was "MILPERSMAN 1910-164."

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

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That no further changes be made to 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.

5/21/2025

