



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 22204

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Docket No. 4334-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █, █,  
USN, XXX-XX-█

Ref: (a) Title 10 U.S.C. §1552  
(b) SECDEF Memo of 13 Sep 14 (Hagel Memo)  
(c) USECDEF Memo of 25 Aug 2017 (Kurta Memo)  
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments  
(2) Naval record (excerpts)  
(3) Advisory opinion of 5 January 26

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 for an upgrade of his characterization of service. Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 13 February 2026 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 included references (b) through (d). Additionally, the Board considered enclosure (3), an Advisory Opinion (AO) furnished by a qualified mental health provider. Although Petitioner was provided an opportunity to comment on 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 the enclosure was not filed in a timely manner, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 24 June 1992.

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d. On 13 October 1992, Petitioner was diagnosed with a personality disorder and recommended for administrative separation<sup>1</sup>.

e. On 15 October 1992, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of Convenience of the Government due to a Personality Disorder. After Petitioner elected his rights, the Separation Authority directed Petitioner's separation. On 27 October 1992, he was discharged with an Uncharacterized Entry Level Separation based on his diagnosed personality disorder.

f. Petitioner contends that he is currently rated at 100% disabled for bipolar and multiple personality by the Department of Veteran's Affairs (VA), and that he was discharged from the Navy for these conditions [and served] honorably for the months he was in the service. He further contends that he requires an Honorable discharge to obtain local veterans' benefits.

g. In light of the Petitioner's assertion of mental health conditions, the Board requested enclosure (3). The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His personality disorder diagnosis was 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, since they are not typically amenable to treatment within the operational requirements of Naval Service. Post-service, the VA has granted service connection for other mental health concerns. Although it is possible that mental health symptoms considered characterological in service may have been re-conceptualized as symptoms of other mental health concerns with the passage of time and increased understanding, there is insufficient evidence of error in the in-service diagnosis.

The AO concluded, "it is my considered clinical opinion that there is post-service evidence from the VA of mental health concerns that may be attributed to military service. There is insufficient evidence that the circumstances of his separation from service may be attributed to mental health concerns other than personality disorder."

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's record 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 related to a mental health 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

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<sup>1</sup> This information was derived from the separation authority's approval letter of 15 October 1992.

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Petitioner's discharge should not be labeled as such and that his reason for separation should be changed to reflect a "Secretarial Authority" discharge.

Notwithstanding the below recommended corrective action, the Board concluded insufficient evidence exists to support Petitioner's request for an upgrade in characterization of service.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his diagnosed personality disorder. While the Board carefully considered Petitioner's contention for mitigation, the Board determined the presumption of regularity applies to the finding that Petitioner was properly diagnosed with a personality disorder and no error exists with his assigned uncharacterized entry-level separation. Specifically, the Board found that service regulations direct the assignment of an uncharacterized entry-level separation for service members processed for separation within their first 180 days of active duty. While there are exceptions to this policy, the Board found that none applied based on the circumstances of Petitioner's separation. Additionally, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations.

The Board also applied liberal consideration to Petitioner's claim that he suffered from a mental health condition, and to the effect that this condition may have had upon the circumstances for which he was discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and his post-service VA evidence. However, even applying liberal consideration, the Board found insufficient evidence to conclude that the circumstances for which Petitioner was discharged was excused or mitigated by his mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion.

In addition to applying liberal consideration to Petitioner's claimed mental health condition and its potential effect upon the circumstances of Petitioner's separation in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, Petitioner's contentions, the totality of his service, Petitioner's need for veterans' benefits, the negative effect your discharge has had on Petitioner's life, his mental health issues, and the passage of time since his discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found the circumstances of Petitioner's case to be substantially similar to countless of other service member's who were separated within their first 180 days of service and now desire veterans' benefits associated with an Honorable characterization of service. The Board found Petitioner's mitigation evidence to be insufficient to outweigh the Department of the Navy's interests in maintaining a consistent policy for service members subject to early release from service before establishing a record of service sufficient to

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accurately assign a proper characterization of service. Further, the Board determined Petitioner's assigned reentry code remains appropriate in light of his diagnosed personality disorder and 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 directs the following corrective action:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 27 October 1992, he was discharged with a narrative reason for separation of "Secretarial Authority," SPD code of "JFF," and separation authority of "MILPERSMAN 3630900."

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/5/2026

