

DEPARTMENT OF THE NAVY

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

> Docket No. 5654-25 Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER

, USN, XXX-XX-

Ref: (a) 10 U.S.C. § 1552

(b) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments

(2) Case summary

- 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 that her naval record be corrected to upgrade her characterization of service and to make other conforming changes to her DD Form 214.
- 2. The Board, consisting of particles, and policies, and policies, to include reference (b).
- 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, it is in the interests of justice to review the application on its merits.
- c. The Petitioner enlisted in the U.S. Navy and began a period of active service on 24 September 1997. Petitioner's pre-enlistment physical examination, on 15 April 1997, and self-reported medical history both noted no psychiatric or neurologic conditions, history, or symptoms.
- d. On 18 February 1998, Petitioner underwent a psychiatric evaluation. The Navy Medical Officer (MO) diagnosed Petitioner with an "acute stress disorder, adjustment disorder with Depressed Mood, and a borderline personality disorder, existed prior to enlistment." The MO

determined that Petitioner was unsuitable for military service, and that her disorder was sufficiently severe to impair significantly her ability to function effectively in the military environment. The MO also stated that: (a) this disorder is not considered amenable to effective treatment in the military setting, (b) if retained, she is considered to present a risk for deterioration in functioning and a continuing danger to herself or others, (c) she was responsible for her actions and should be held accountable, and (d) that she did not meet criteria for involuntary hospitalization. The MO recommended Petitioner's administrative separation.

- e. Following Petitioner's personality disorder diagnosis, on 10 March 1998, Petitioner's command initiated administrative separation proceedings by reason of convenience of the government due to her diagnosed personality disorder. Petitioner waived in writing her rights to consult with counsel, submit written statements, and to General Court-Martial Convening Authority review of the proposed discharge. Petitioner did not object to her separation.
- f. On 13 March 1998, the Separation Authority (SA) approved and directed Petitioner's separation from the Navy with an uncharacterized entry level separation (ELS). Ultimately, on 9 April 1998, Petitioner was so discharged and assigned an RE-4 reentry code. However, as noted on Petitioner's DD Form 214, blocks 25, 26, and 28 (separation authority, separation code, and narrative reason for separation, respectively), corresponded with an ELS discharge for a personality disorder.
- g. In short, Petitioner contended, in part, that her discharge does not accurately reflect her overall service and character. She stated that she acknowledges the reasons cited in her original discharge and accepts the accountability for her actions. However, she contended that the incident leading up to her discharge was a result of a complete misunderstanding and immaturity on her part, and that her intention was never to be discharged from the service. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which included her DD Form 149 and the evidence she provided in support of it.

CONCLUSION:

Upon review and liberal consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of the Wilkie Memo, the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior 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 uncharacterized ELS remains appropriate. The Board initially determined that Petitioner's administrative separation for a personality disorder was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy at the time of her discharge. The Board noted that personality disorders are characterized by a longstanding pattern of unhealthy behaviors, dysfunctional relationships, and maladaptive thinking patterns. They are not conditions considered unfitting, disabling, or impairing one's ability to be

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accountable for their actions or behaviors, but render service members unsuitable for military service and consideration for administrative separation.

Additionally, the Board noted that separations initiated within the first 180 days of continuous active duty will be described as uncharacterized ELS except in those limited Navy cases: (a) when an honorable discharge is approved by the Secretary of the Navy in cases involving unusual circumstances not applicable in Petitioner's case, or (b) where processing under a more serious basis is appropriate and where characterization of service under other than honorable conditions (OTH) upon discharge is warranted.

Therefore, while the Board carefully considered the evidence Petitioner submitted in mitigation, 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 the relief she requested or granting the requested relief as a matter of clemency or equity.

Lastly, the Board did not find a material error or injustice with the Petitioner's original "RE-4" reentry code. The Board concluded the Petitioner was assigned the correct reentry/reenlistment code based on the totality of her circumstances, and that such notation was proper and in compliance with all Department of the Navy directives and policy at the time of her discharge.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of material errors warranting the following corrective action.

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 9 April 1998, indicating she was discharged with a narrative reason for separation of "Secretarial Authority," separation authority of "MILPERSMAN 3630900," and separation code of "JFF."

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 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.

