



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

█
Docket No. 5803-25
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) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Naval record (excerpts)

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 his discharge characterization be upgraded.

2. The Board consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 22 December 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 the enclosures, relevant portions of Petitioner's naval service records, and applicable statutes, regulations, and policies including 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. Although Petitioner did not file her application in a timely manner, the statute of limitation was waived in the interests of justice.

b. Petitioner enlisted in the Navy and began a period of active duty on 1 April 1974.

c. According to a Federal Bureau of Investigation report, dated █, Petitioner was arrested on 6 October 1974 in █, for possession of marijuana.

d. On 19 June 1975, Petitioner received nonjudicial punishment (NJP) for disrespect to a petty officer in language by using foul and abusive words.

e. On 30 July 1975, Petitioner received a second NJP for two specifications of unauthorized absence (UA); UA three days and for being UA from his appointed place of duty.

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f. On 11 August 1975, Petitioner was diagnosed with severe passive-aggressive personality disorder. The examining clinician noted that the Petitioner was not mentally ill and was fully responsible for his behavior. It was further stated that the Petitioner had no motivation for continued active duty, and that his long-standing personality disorder neither required nor would benefit from psychiatric treatment or hospitalization. The clinician opined that command leadership, counseling, or discipline, given his current motivation, would have no meaningful effect in modifying his attitude or behavior, increasing his emotional maturity, or improving his military adjustment. Retention in the service was considered unlikely to have any positive impact, and would likely result in continued maladaptive behavior.

g. Consequently, he was notified of his pending administrative processing by reason of unsuitability; at which time, he waived his right to submit a statement in rebuttal to the administrative separation.

h. On 20 August 1975, Petitioner was discharged with a General (Under Honorable Conditions) (GEN) characterization of service by reason of unsuitability-character & behavior disorders).

i. Petitioner contends he received a letter from the Department of Veterans Affairs' Region Office indicating that his character of discharge had been upgraded to Honorable. He further contends that the letter serves as proof of this change and he requests the issuance of a new DD Form 214 to reflect the updated discharge status.

j. For purposes of clemency and equity consideration, Petitioner provided a copy of his DD Form 214 and a VA proof of military service document.

CONCLUSION:

Upon careful 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 Wilkie Memo, 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 Certificate of Release or Discharge from Active Duty (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 Wilkie Memo. These included, but were not limited to, Petitioner's desire for a discharge upgrade and the 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

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by his NJPs, 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 noted that decisions reached by the Department of Veterans Affairs (VA) to determine if former servicemembers rate certain VA benefits do not affect previous discharge decisions made by the Navy. The criteria used by the VA in determining whether a former servicemember is eligible for benefits are different than that used by the Navy when determining a member's discharge characterization. Therefore, 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 the Petitioner the relief he requested or granting the requested relief as a matter of clemency.

Finally, the Board determined that Petitioner's assigned reentry code remains appropriate in light of his original basis for separation and unsuitability for further military service. Ultimately, the Board determined 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 from Active Duty (DD Form 214) reflecting that, for the period ending 20 August 1975, Petitioner was discharged with a narrative reason for separation of "Separation for other good and sufficient reasons when determined by the Secretary of the Navy," SPD code of "JFF," and separation authority of "BUPERSMAN 3850220."

No further changes be made to Petitioner's record.

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.

1/14/2026

