



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

■
Docket No. 8418-25
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)
(c) USECDEF Memo of 25 Aug 17 (Kurta Memo)
(d) SECDEF Memo of 13 Sep 14 (Hagel Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) Advisory Opinion of 13 Jan 26

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting his characterization of service be upgraded to "Honorable" and his reason for separation be changed to "medical" on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 13 April 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 include references (b) through (d). Additionally, the Board considered enclosure (4), the advisory opinion (AO) furnished by qualified mental health provider, and Petitioner's response to the AO.

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 interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active service on 8 May 2013.

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d. On 3 September 2013, Petitioner was issued an administrative remarks (Page 13) counseling indicating a fraudulent enlistment waiver for failure to disclose a pre-service diagnosis of attention deficit hyperactivity disorder (ADHD). He was advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

e. On 11 February 2014, Petitioner received non-judicial punishment (NJP) for failure to obey a lawful order.

f. In November 2014, Petitioner attended and completed alcohol rehabilitation counseling.

g. On 6 March 2015, Petitioner received Page 13 counseling for losing his military identification (ID) twice in three months and was assigned extra military instruction. He was advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

h. On 20 October 2015, Petitioner was evaluated by a medical officer, diagnosed with a personality disorder that existed prior to enlistment, and recommended for administrative discharge. Consequently, on 3 November 2015, Petitioner was notified of administrative separation processing by reason of convenience of the government due to personality disorder. Petitioner waived his rights to consult counsel, make a statement, or have his case reviewed by the General Court Martial Convening Authority. On 15 December 2015, the separation authority approved petitioner's discharge with a General (Under Honorable Conditions) (GEN) characterization of service for personality disorder. On 23 December 2015, Petitioner was so discharged.

i. On 20 January 2016, Petitioner's commanding officer, in his report of discharge to the Chief of Naval Personnel, noted Petitioner's involvement with civil authorities, including rear-ending another driver without a license or insurance, and minor misconduct, including repeated unauthorized absences from remedial physical training, going to the gym while under sick-in-quarters orders, a family advocacy program case, and suspension of his access to classified information.

j. Petitioner contends he suffered from post-traumatic stress disorder (PTSD) and depression due to bullying and exposure to violent videos, his PTSD mitigates his misconduct, he was told by his therapist that a medical board would take too long and he should just accept the administrative separation, post-discharge he was refused medical treatment and turned to drugs because he could not obtain his mental health medication, he is now clean and sober, and his current doctors believe he was misdiagnosed with personality disorder while in-service. Petitioner submitted a psychiatric encounter note, an advocacy letter, and decision letters from the Department of Veterans Affairs (VA) indicating service connection for major depressive disorder and cocaine use disorder.

k. As part of the Board's review, the Board considered enclosure (4). The AO states in pertinent part:

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Petitioner contends he incurred PTSD during military service, which may have contributed to the circumstances of his separation from service.

The Petitioner's available service record is sparse; however, his administrative records contain evidence that he received treatment for alcohol abuse/dependence. These records (not contained in available file) would be extremely helpful in rendering a more thorough and accurate opinion. Petitioner was appropriately referred to psychological evaluation during his enlistment and properly evaluated. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose to the mental health clinician, and the psychological evaluation performed by the mental health clinician. A personality disorder diagnosis is pre-existing to military service, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service.

Personality Disorders involve patterns of thinking and behaving that are seen as "normal" by the individual. Because these traits are deeply ingrained – often materializing in adolescence, the person may not realize they have a disorder and might instead feel that others or external events are the problem. Primary mental health conditions are often felt as "foreign," or troubling. The person recognizes that they are suffering from a set of symptoms that are separate from their core personality.

He submitted post-service evidence of a variety of mental health conditions, however without being able to compare this evidence with his in-service medical records, a thorough and accurate opinion cannot be rendered. Additional records (e.g., active-duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) may aid in rendering an alternate opinion.

The AO concluded, "Based on the available evidence, it is my clinical opinion that there is insufficient evidence of PTSD that existed in service. There is sufficient evidence of a diagnosed Personality Disorder. There is insufficient evidence to attribute the circumstances of his separation to a primary mental health condition."

In response to the AO, Petitioner provided a personal statement that supplied additional clarification of the circumstances of his case and post-service mental health records from 2022 to 2025. Petitioner noted inconsistencies between his current statements and the submitted medical records, attributing the inconsistencies to PTSD symptoms. After reviewing the rebuttal evidence, the AO remained unchanged, with the author noting that the requested active-duty medical records were not provided.

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CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. Specifically, the Board determined that Petitioner's narrative reason for separation, separation authority, and separation program designator, and reentry code should be changed to remove references to personality disorder to mitigate the future potential stigma arising from his discharge.

Notwithstanding the recommended corrective action below, the Board determined no further relief was warranted.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his personality disorder diagnosis. While the Board considered Petitioner's contention that he was misdiagnosed, the Board was not persuaded and relied on the diagnosis rendered by Petitioner's military medical providers at the time of his discharge. In addition, the Board found no error with Petitioner's assigned characterization of service. In making this finding, the Board noted Petitioner did not deny committing the misconduct that formed the basis for his GEN discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

However, because Petitioner raised the issue of mental health, 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 conduct for which he received a GEN characterization of service in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and the fact Petitioner's PTSD diagnosis is temporally remote from his service. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which Petitioner was discharged was excused or mitigated by a mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and agreed with the AO that access to his service medical records would have assisted in their adjudication.

In addition to applying 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 conduct for which Petitioner received a GEN discharge in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, Petitioner's desire for an upgrade to his characterization of service, Petitioner's contentions, the totality of Petitioner's service to include service highlights, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, Petitioner's rehabilitation efforts, Petitioner's mental health issues, the evidence Petitioner provided in support of his application, and the passage of time since Petitioner's discharge.

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The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct, which led to Petitioner's GEN discharge. Petitioner's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. While the Board noted Petitioner only received one NJP, his service was marked by repeated instances of minor misconduct as outlined by his commanding officer and Page 13 counseling. The Board further noted the potentially discrediting effect on the Navy of Petitioner's involvement with civil authorities. Therefore, even taking into consideration all the mitigation factors in Petitioner's case, the Board found that his misconduct while on active duty outweighed the mitigation evidence offered.

RECOMMENDATION:

That Petitioner be issued a new DD Form 214, for the period ending 23 December 2015, indicating he was discharged with a separation authority of "MILPERSMAN 1910-164," separation code of "JFF," narrative reason for separation of "secretarial authority," and reenlistment code of "RE-3R."

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

5/20/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]