



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

■
Docket No. 9004-25
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) USD Memo of 25 Aug 17 (Kurta Memo)
(c) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval record (excerpts)
(3) Advisory Opinion

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 to Honorable, correct his narrative reason for separation to reflect "Condition, Not a Disability - Adjustment Disorder," change SPD code from "JFX to JFY," and change his reenlistment code from "RE-3G to RE-1."

2. The Board, consisting of ■, ■, and ■, reviewed Petitioner's allegations of error and injustice on 7 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, applicable statutes, regulations, and policies, to include references (b) and (c). In addition, the Board considered enclosure (3), an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was provided an opportunity to respond to 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 regulation within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in the interests of justice.

c. Petitioner began a period of active duty in the Navy on 14 April 1986.

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d. On 12 June 1986, Petitioner reported to Nuclear Field "A" School, NTC [REDACTED] for temporary duty under instruction.

e. On 26 January 1987, after a review of Petitioner's available medical information, Commander, Naval Medical Command found that Petitioner did not meet the established physical standards for submarine duty and occupational exposure to ionizing radiation by reason of Asthma as confirmed by Pulmonary Function Studies.

f. On 16 March 1987, Petitioner reported to Naval Nuclear Power School, [REDACTED], [REDACTED] for temporary duty under instruction.

g. On 26 June 1987, after a review of Petitioner's available medical information, Commander, Naval Medical Command found that Petitioner did not meet the established physical standards for submarine duty and occupational exposure to ionizing radiation by reason of Asthma and resolved vertigo, attributed to a labyrinthine disease of unknown etiology.

h. On 7 September 1987, Petitioner was hospitalized after reporting uncontrollable crying episodes and abdominal pain. On 16 September 1987, he was discharged from care and diagnosed with an adjustment disorder with depressed mood.

i. On 25 September 1987, mental health provider stated in pertinent part:

[Petitioner] is being followed for stress-related physical complaints including dizziness, vertigo. Pt now c/o [complains of] continued dissatisfaction for being in the Navy and states he is going to claim conscientious objection. Past Hx [history] and clinical impressions strongly suggest pt has Passive-Aggressive Personality Disorder. This is most clear in this present situation, where he is passively asserting covert aggressive feelings toward the Navy and towards his immediate supervisors." He was subsequently diagnosed with Passive-Aggressive Personality Disorder.

j. On 16 October 1987, Petitioner received an administrative remarks (Page 13) retention warning counseling concerning deficiencies in performance and/or conduct. Specifically, he was counseled for: (a) stubbornness and resentment towards authority figures, (b) pattern of being late for appointments or late in turning in required assignments in school, (c) frequent forgetfulness when such forgetfulness is convenient or useful in resisting demands, and (d) repeated passive expression of aggression when more self-assertive and appropriate behavior is possible.

k. Subsequently, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of convenience of the government due to personality disorder. Petitioner waived his right to consult with counsel and to submit a rebuttal statement to separation.

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l. On 25 November 1987, Petitioner was discharged with a General (Under Honorable Conditions) (GEN) character of service by reason of convenience of the government due to his personality disorder.

m. Petitioner contends that he was misdiagnosed with passive-aggressive personality disorder during Navy Nuclear Power School. Petitioner further contends his diagnosis was clinically invalid, contradicted by pre-service stability and contemporaneous medical evidence, and has since been removed from the DSM. Furthermore, Petitioner contends that Navy clinicians failed to follow MILPERSMAN procedures, bypassed required Medical Board referral and documented an administrative rather than medical motive.

n. As part of the Board's review, a qualified mental health professional reviewed Petitioner's contentions and the available records and provided the Board with enclosure (3), an advisory opinion (AO). The AO stated in pertinent part:

There is evidence that the Petitioner was diagnosed with an Adjustment Disorder during an inpatient hospitalization. An Adjustment Disorder is different from a primary mental health condition in that it is most often considered an unhealthy response to a temporary stressor rather than an ongoing pervasive cluster of symptoms that exist in the absence of temporary stressors.

There is also evidence that the Petitioner suffered from and was diagnosed with a Personality Disorder. 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. The psychological evaluation submitted as evidence did note elevations in anxiety and depression, however the author failed to mention the additionally statistically significant elevation (t score = 72) in Borderline Personality Disorder traits. The MMPI-3 was also administered, however the author did not note the results of the validity scales; It is not possible to discern without this report whether the Petitioner answered in a reliable manner.

It is evident that the Petitioner struggled emotionally during his Navy service, which is unfortunate. However, neither the Adjustment Disorder diagnosis nor the Personality Disorder diagnosis appear to have been in error. He was seen multiple times by psychiatry where symptoms and presentation were clearly noted, and the Personality Disorder diagnosis was not changed by the psychiatrist. The labile affect, vacillations in cooperativeness, difficulties getting along with his peers and command, and suggesting a potentially dishonest means of exiting the Navy (conscientious objection in the absence of support for that conviction) are all synonymous with a Personality Disorder diagnosis. Additional records (e.g., active-duty medical records, post-service mental health records describing the

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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 sufficient evidence of both an Adjustment Disorder and Personality Disorder that existed in service. There is insufficient evidence to attribute his misconduct to any primary mental health condition."

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. Specifically, in keeping with the letter and spirit of the references (b) and (c), the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior and/or personality 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. The Board determined 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). Accordingly, the Board concluded that Petitioner's narrative reason for separation, separation code and separation authority should be changed to reflect a Secretarial Authority discharge in the interests of justice to minimize the likelihood of negative inferences being drawn from his naval service in the future.

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

With regard to Petitioner's request for an upgrade of his discharge character of service, the Board initially concluded Petitioner was appropriately processed for administrative separation for his convenience of the government based on his personality disorder diagnosis, and counseling statement concerning conduct issues. While the Board considered Petitioner's contentions regarding a misdiagnosis, the Board concurred with the AO that there is sufficient evidence of a personality disorder diagnosis that existed in-service. 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 his claim to have developed a mental health condition, and to the effect that this condition/experience may have had upon the circumstances of his discharge in accordance with the Kurta Memo. Applying such liberal consideration, the Board found insufficient evidence to conclude that Petitioner may have developed mental health condition during his naval service. This conclusion is supported by the AO and Petitioner's in-service diagnoses. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the circumstances for which he was discharged was related to his mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and, again, concurred with the AO.

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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/experience may have had upon the circumstances for which he was discharged in accordance with the Kurta Memo, 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, his contentions, the totality of his service to include service highlights, his relative youth and immaturity at the time, his mental health issues, the evidence he provided in support of his application, and the passage of time since his discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any further equitable relief. Specifically, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in behavior warranting the early curtailment of their service. Additionally, the Board determined Petitioner was given every opportunity to correct his conduct issues before he was processed for administrative separation. Therefore, even taking into consideration all the mitigation factors in Petitioner's case, the Board found that his conduct while on active duty outweighed the mitigation evidence offered. While the Board acknowledged the personal difficulties Petitioner has endured, ultimately, the Board concluded an upgrade of Petitioner's discharge characterization of service is not warranted in the interests of justice. Based on the same rationale and his unsuitability for further military service, the Board also determined Petitioner's assigned reentry code remains appropriate. 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 recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 25 November 1987, he was discharged with a "General (Under Honorable Conditions)" characterization of service, narrative reason for separation of "Secretary Plenary Authority," SPD code of "JFF," and separation authority of "MILPERSMAN 3630900." That all other information currently listed on Petitioner's DD Form 214 remains the same.

That no further correction action be taken on Petitioner's naval record.

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

4. It is certified that 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

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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.

4/23/2026

