



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 1904-99
20 August 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) MILPERSMAN
(c) Diagnostic and Statistical Manual of Mental Disorders

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that her reenlistment code be changed.

2. The Board, consisting of Messrs. Cali, Morgan, and Silberman, reviewed Petitioner's allegations of error and injustice on 18 August 1999, 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, naval records, and applicable statutes, regulations and policies.

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 it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 20 October 1993 for eight years at age 21. She was ordered to active duty for a period of three years on 1 February 1994.

d. Petitioner's record reflects that she was referred to the mental health department on 14 March 1994, complaining that she was having problems with control due to unresolved issues of child abuse. She described a childhood in which she was sexually abused by her grandfathers and uncles from the age of six until she was 12 years old. She claimed that she had obtained counseling on her own when she was 19 and had no problem in establishing or maintaining friendships, but found it very hard to trust others. She admitted to fleeting suicidal thoughts during the past few weeks, but contracted against self-harm while in recruit training.

e. Petitioner was diagnosed as having an adjustment disorder with depressed mood. She was strongly recommended for separation and considered psychologically unsuitable for continued military training. The examining psychologist opined that her adjustment disorder was so severe that she posed a potential risk for harm to herself and others if retained.

f. On 15 March 1994, Petitioner was notified that an entry level separation was being considered by reason of convenience of the government due to a severe adjustment disorder. She was advised of her procedural rights, declined to consult with counsel, or submit a statement in her own behalf. She waived her procedural rights and did not object to the discharge. Thereafter, the discharge authority directed an entry level separation by reason of convenience of the government due to a severe adjustment disorder. She received an uncharacterized entry level separation on 23 March 1994 and was assigned an RE-4 reenlistment code. Her DD Form 214 indicates that the reason for her separation was a personality disorder.

g. Reference (b) authorizes separation due to a diagnosed personality disorder specified in reference (b). The latter reference essentially states that an adjustment disorder is not a personality disorder.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial

favorable action. In this regard, the Board notes Petitioner was not diagnosed as having a personality disorder, but only an adjustment disorder. Therefore, the Board believes that the reason for separation was erroneous and should be changed. Petitioner could have been discharged for erroneous enlistment or entry level performance and conduct. However, since she was not processed for any of these reasons, the Board concludes that it would be appropriate and just to change the reason for separation to "best interests of the service."

Since Petitioner's adjustment disorder was so severe that she posed a potential risk for harm to herself and others if retained, the Board concludes that the reenlistment code was proper and no change is warranted.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was received an uncharacterized entry level separation on 23 March 1994 by reason of "Secretarial Authority" vice "Personality Disorder" as now shown on her DD Form 214. This should include the issuance of a new DD Form 214.

b. That no further relief be granted.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

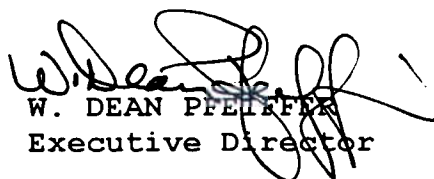
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioners naval record.

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.

ROBERT D. ZSALMAN
Recorder


ALAN E. GOLDSMITH
Acting Recorder

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.



W. DEAN PFEIFFER
Executive Director