



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

SJN
Docket No: 02947-13
10 April 2014

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

Subj: REVIEW NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552

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

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting reinstatement into to the Navy, full back pay, and advancement to paygrade E-7. In the alternative, that his general characterization of service be upgraded to honorable, RE-4 (not recommended for retention) reentry code be changed to RE-1, and receive full involuntary separation pay. He also impliedly requested that the separation authority "MILPERSMAN 1910-122", narrative reason for separation (Personality Disorder), and separation program designator (SPD) "JFX" (Personality Disorder), be changed in order to receive any separation pay that he may be entitled.

2. The Board, consisting of Mr. Grover, Ms. Aldrich, and Mr. Zsalman, reviewed Petitioner's allegations of error and injustice on 8 April 2014 and, pursuant to its regulations, determined that the limited 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. Petitioner enlisted in the Navy and began a period of active duty on 6 February 2001. On 26 September 2011, he was escorted to a Naval Medical Center for evaluation after seeking assistance for having suicidal thoughts, and diagnosed with an adjustment disorder with mixed depression and anxiety. The report further stated, in part, that he manifested a severe inability to adjust to the demands of the Navy. At that time, it was recommended that he be administratively separated from the service due to unsuitability.

Subsequently, Petitioner was notified of proposed action for an administrative separation for the convenience of the government due to the diagnosed adjustment disorder. After being afforded all of his procedural rights, his commanding officer directed separation, and on 23 November 2011, he was separated with a general discharge and assigned an RE-4 reentry code. However, the DD Form 214 issued to Petitioner states that the narrative reason for separation was for a "Personality Disorder", which is erroneous since there was no diagnosis of a personality disorder. Separation by reason of a diagnosed personality disorder is proper only if present, as defined by the Diagnostic and Statistical Manual (DSM). A situational adjustment reaction, according to the DSM, is not a personality disorder. Petitioner's narrative reason of separation should have been for a condition, not a disability, as diagnosed on 26 September 2011. His SPD code should be "HFV" (Condition, Not a Disability) to allow for any separation pay he may be entitled to. His characterization of service should have been based on his individual conduct averages computed from marks assigned on a periodic basis. His overall conduct average was 3.9. At the time of his service, an average of 2.5 was required for a fully honorable characterization of service. Additionally, he should have been assigned an RE-3G (Condition, Not a Disability) reentry code vice the RE-4, which is the most favorable based on his circumstances. The RE-3G reentry code may not prohibit reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for reviewing the feasibility of satisfying the Navy's personnel manning goals by determining whether or not an individual meets the standards for reenlistment. If he wishes to reenlist, re-affiliate, or be reinstated in the Navy, he should contact the Navy Recruiting Command via his nearest recruiting facility.

CONCLUSION:

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

Although Petitioner was medically diagnosed with an adjustment disorder, the DD Form 214 erroneously states that he was discharged by reason of a "PERSONALITY DISORDER". Consequently, the DD 214 should be changed to reflect that the separation authority was "MILPERSMAN 1910-120", narrative reason for separation to "CONDITION, NOT A DISABILITY", SPD code to "HFV", and reentry code to "RE-3G". Finally, the Board notes that the separation authority should have based his characterization of service on his overall conduct average, which was high enough for an honorable characterization of service, vice under honorable conditions. In view of the foregoing, the Board finds the existence of an error and injustice warranting partial favorable relief.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 23 November 2011, he was honorably discharged by reason of "CONDITION, NOT A DISABILITY," vice "PERSONALITY DISORDER", that the separation authority was "MILPERSMAN 1910-120" vice "MILPERSMAN 1910-122", and

that his SPD code be changed to "HFV" vice "JFX". Further, it is directed that he be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), and that he be eligible to receive any separation pay he was entitled to as a result of his original discharge, or not be required to repay any separation pay he may have received as a result of his original discharge.


b. That no further relief be granted.

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

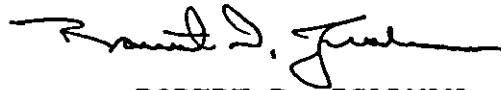
d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 12 March 2013.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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


BRIAN J. GEORGE
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 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.


ROBERT D. ZSALMAN
Acting Executive Director