



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

JRE
Docket No: 7687-00
12 August 2002

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149
(2) Dir, NCPB ltr 5220 Ser:02-01, 8 Jan 02
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was retired, vice discharged with for the convenience of the government.

2. The Board, consisting of Ms. Moidel and Messrs. Carlsen and Morgan, reviewed Petitioner's allegations of error and injustice on 18 April 2002 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. Enclosure (1) was filed in a timely manner.

c. On 12 July 1999, a psychologist completed portions of an Abbreviated Medical Board Report, and gave Petitioner diagnoses of "MAJOR DEPRESSIVE DISORDER, SINGLE, MOD" and "r/o PTSD". The psychologist noted that Subject had symptoms consistent with the diagnosis of major depression, to include depressed mood, decreased motivation, sleep disturbance, significant weight loss, and poor concentration. The treatment plan included "Intensive psychotherapy; OCIP:Psychopharmacology c Tx (illegible)", and it was recommended that he be placed on limited duty for 8 months. He was seen on 10 January 2000 for reevaluation and to discuss his "lack of engagement" in treatment options. Petitioner indicated that he wanted to be discharged from the Navy, and he continued to

he continued to display depressive symptoms at that time. He was given diagnoses of depressive disorder, not otherwise specified, in the context of occupational dissatisfaction, and personality disorder with passive aggressive and obsessive compulsive traits. He was to be returned to "active duty", and was considered psychologically fit "...as he has refused to engage in Tx that would assist in alleviating his depression." In a memorandum dated 14 March 2000, an Army psychiatrist reported that evaluation of Subject revealed a long standing problem dealing with authority figures. Reportedly, he was no longer motivated to continue his naval career. It was noted that he had many difficulties in his childhood and developed an obsessive-compulsive personality disorder. He had difficulty making everyday decisions, expressing disagreement with others, and initiating projects and doing things on his own because of a lack of self-confidence in his judgment and abilities. He was given no diagnosis on Axis I. He was given a diagnosis of obsessive-compulsive personality disorder on Axis II. His global assessment of functioning (GAF) score was listed as at 55, which is indicative of significant impairment. The psychiatrist recommended that Petitioner be expeditiously discharged administratively because of the personality disorder, which rendered him unsuitable for service. He was discharged by reason of the personality disorder on 24 March 2000, after waiving his right to appear before an administrative discharge board to contest his separation. He completed 16 years, 8 months and 27 days of active service. On 13 May 2000, the Department of Veterans Affairs awarded him service connection and a 70% evaluation for "post traumatic stress disorder with bipolar disorder and obsessive compulsive disorder." In addition, he was granted entitlement to individual unemployability effective 25 March 2000.

c. In correspondence attached as enclosure (2), the Director, Naval Council of Personnel Boards, advised the Board in effect, that Petitioner apparently suffered from variable post traumatic stress disorder symptomatology since having survived an abusive childhood. Despite that struggle, he appeared to have done extraordinarily well in his career in the Navy until he was promoted to chief petty officer. Petitioner believes his subsequent decline in performance and eventual lack of motivation for his work, treatment and retirement benefits was a result of his condition. The Director noted, however, that the available records are insufficient to support his request for disability retirement; however, he recommended that Petitioner resubmit his request with further medical documentation, to include the hospital summary and chart for his May 1999 psychiatric hospitalization, all records of medical and psychiatric care received since his discharge, a current psychiatric evaluation, a post discharge work history, and an accounting of his daily activities.

d. The staff of the Board forwarded a copy of enclosure (2) to Petitioner for his information and response. To date, he has not responded.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board notes that Petitioner had an excellent career in the Navy for many years, that his decline in performance may have been related to the effects of a significant mental disorder which was separate from the diagnosed personality disorder. It questions whether he actually suffered from a personality disorder, given his excellent record of service over a sustained period of time during his

naval career. The Board notes that another possible result of his mental disorder was his decision to not contest his proposed discharge, thereby forfeiting the opportunity to of remaining on active duty and ultimately qualifying for transfer to the Fleet Reserve, with entitlement to retainer pay. Given those factors, and after resolving doubt in his favor, the Board concludes that it would be in the interest of justice in this case, as an exception to policy, to correct his record to show that he was transferred to the Fleet Reserve effective 1 April 2000, pursuant to the Temporary Early Retirement Authority.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on 24 march 2000.

b. That Petitioner's naval record be further corrected to show that he was released from active duty on 31 March 2000, and transferred to the Fleet Reserve on 1 April 2000, pursuant to the Temporary Early Retirement Authority.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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



JAMES R. EXNICIOS
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