

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02553

NOV 13 1998

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

The narrative reason on his DD Form 214, Certificate of Release or Discharge from Active Duty, be changed to Convenience of the Government with a corresponding separation program designator (SPD).

APPLICANT CONTENDS THAT:

His discharge was not conducted according to how the authors of AFI 36-3208 had designed it to be done and he does not believe the evidence provided was grounds for discharge. Neither of the two authors of either document used as evidence to discharge him were psychiatrists or clinical psychologists but were clinical social workers. His commander stated in his notification memorandum that "the examining psychiatrist found that your ability to function in the military environment is significantly impaired." A psychiatrist did not write this evaluation and he does not think the evidence his commander provided is conclusive enough according to the AFI 36-3208. His commander even stated to him personally a couple of days after the paperwork was approved that he did not think he (applicant) had a personality disorder but that he wanted him to get an honorable discharge and "that there is only so many ways to get out honorably" and something needed to be written on the discharge paperwork. His commander and his counsel gave him the impression he would be receiving an honorable discharge and a code may be on the form but that is all it would state. When he was presented with the DD Form 214 and told to sign it, he tried to stop the procedure but was told it was too late that he had already waived his rights to submit any statements. He was told by the sergeant that handed him the form he had no choice and he had to sign it. She was higher ranking so, of course, he signed it.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

Applicant enlisted in the Regular Air Force on **22 March 1995** in the grade of airman first class for a period of **4** years at the age of **27**.

On **11 April 1995**, the applicant was evaluated at the Behavioral Analysis Service, Division of Mental Health, Wilford Hall Medical Center, Lackland AFB, TX. Applicant was found to be free of significant mental disturbance and free from significant suicidal/homicidal tendencies, could distinguish right from wrong, be considered responsible for his own actions, and participate in his own defense. Applicant was returned to duty. It was stated that applicant was having an anxious reaction to basic military training (BMT) which is explained in part by his age and his expectation that BMT shouldn't be challenging to him because of his maturity and experience. In addition, it is his habit to worry excessively. They did not think there was evidence of Attention Deficit Hyperactivity Disorder. Applicant appeared to be lacking self-confidence and worried excessively. It was recommended he attend the Airman's Group for support and coping skills.

On **16 July 1996**, a progress report of mental health treatment states that the applicant attended the Airman's Group nine times and had three sessions in anger management since he began treatment on **25 March 1996**. During that time, the applicant displayed limited insight into his own situation. He frequently viewed himself as outside the realm of his peers, offering advice to them while displaying limited empathy or understanding of their perspective. He provided a history of interpersonal conflicts which did not appear to be due to intoxicant use or other mental disorder. His DSM IV diagnosis was: Axis I: Occupational Problem. Axis II: Personality Disorder Not Otherwise Specified. Axis III: No diagnosis. Based on the trial of therapy and current assessment, they believed applicant should be considered for administrative separation from the Air Force. This action would be in the best interest of the Air Force and the applicant since he may not be able to consistently perform services which are effective and useful. If retained in the Air Force, the applicant may experience continued problems of duty performance.

On **2 August 1996**, the applicant was notified of his commander's intent to initiate discharge action against him because, on or about, **16 July 1996**, he was diagnosed with a personality disorder not otherwise specified and occupational problem. The examining psychiatrist found that his ability to function effectively in the military environment was significantly impaired. On **6 August 1996**, applicant indicated he had consulted counsel and waived his right to submit statements.

The applicant was honorably discharged on 25 September 1996, in the grade of airman first class, under the provisions of AFI 36-3208, with a narrative reason "Personality Disorder" and a SPD "JFX." He was issued a RE code of 2C (Involuntarily separated with an honorable discharge; or entry level separation without characterization of service). He had completed 1 year, 6 months, and 4 days of active service.

On 19 May 1997, the Veterans Affairs evaluated applicant's disability of generalized anxiety disorder at 10 percent.

AIR FORCE EVALUATION:

The BCMR Medical Consultant reviewed this application and states that records show the applicant had ongoing problems in the workplace getting along with his coworkers and was referred by his commander for a mental health evaluation (MHE). This resulted in a diagnosis of Personality Disorder, Not Otherwise Specified, in July 1996 as noted in a letter to his commander signed by a mental health provider and countersigned by the psychiatrist who was chief of the service. He was entered in counseling which occurred from March 1996 on, but his failure to respond positively to this prompted his subsequent discharge. Since his discharge, the applicant has been seen by several mental health providers in the Department of Veterans Affairs (DVA) system, with some "reluctance" to call his problem a personality disorder, but with recognition that he does suffer from a "neurosis and a general anxiety disorder." His continued difficulty in interpersonal relationships is pointed out in a note dated 23 July 1997 which emphasizes his "extremely extremely abusive" interaction with a clerk he was dealing with in regard to a DVA appointment. One examiner, on 21 February 1997, concluded: "there are aspects of how this man presents himself, suggesting that he might be developing a personality disorder. There is a definite quality of narcissism and of interpersonal sensitivity without an attempt to understand the viewpoints of others." The applicant was seen at Wilford Hall Medical Center early in the course of his training in April 1995, the month after he started basic training, and was felt to have an adjustment disorder with anxious mood. Some consideration was given to his having Attention Deficit Hyperactivity Disorder, but psychometric testing did not bear out this diagnosis, and later examiners were not able to affirm this either. Yet another reference to an adjustment disorder with anxious mood, resolved, is found in a note referencing an evaluation in August 1995. The

records document a personality disorder which are lifelong patterns of maladjustment in the individual's personality structure which are not medically disqualifying or unfitting but may render the individual unsuitable for further military service and may be cause for administrative action by the individual's unit commander. Reasons for discharge and discharge proceedings are well documented in the records. Action and disposition in this case are proper and reflect compliance with Air Force directives which implement the law. The Medical Consultant is of the opinion that no change in the records is warranted and the application should be denied.

A complete copy of the Air Force evaluation is attached at Exhibit C.

The Military Personnel Mgmt Spec, AFPC/DPPRS, reviewed this application and states this case has been reviewed for separation processing and there are no errors or irregularities causing an injustice to the applicant. The discharge complies with, and was conducted according to AFI 36-3208, the appropriate directive in effect at the time of his discharge. The records indicate the applicant's military service was reviewed and appropriate action was taken. The applicant did not identify any specific errors in the discharge processing nor provide facts which warrant a change in his reason for separation or the separation code he received. Accordingly, they recommend applicant's request be denied.

A complete copy of the Air Force evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the advisory opinions and submits a three-page statement through his Congressional representative. In summary he states that he would like to become a productive member of society again. The Veterans Administration (VA) were actually the people who convinced him to try to have the paperwork corrected. Employers are concerned when they see the words "personality disorder" on the bottom of the DD Form 214. He is completing his accounting and finance degree and would like to become productive once again. If there is anything he can do to have the words "personality disorder" removed from the document he must submit to potential employers, please let him know. He finishes his bachelor's degree in finance next term and needs to start looking for a productive role in society. The best proof he believes he has that he is a responsible, well-natured person, and positive member of society are his grades and prior military experience.

Applicant's complete response, with attachment, is attached at Exhibit F.

Under separate cover, applicant submitted his college official transcripts which are attached at Exhibit F.

In response to applicant's request to the BCMR for a copy of the note dated 23 July 1997 referred to by the BCMR Medical Consultant, the applicant submits a statement stating the note is not at all official and should have never been sent by the clinic. It should have been put in the administrative file instead of the medical file. He had scheduled the appointment about 3 or 4 times and each time it was messed up. When they stated his case was closed and that he could not see a doctor at the VA he told them he would complain to people higher up. This is what appears to have prompted that note. He has finished his bachelors degree in finance and is now going to use the GI Bill to get a second bachelors degree. Because he has finished with a 3.71 GPA which is in the top 7% of one of the top ten accounting schools in the nation, he believes he has redeemed himself and should be given a second chance. The Naval officers recruiter wants him to test to get into the Naval officers training program. He is not sure if he can pass the tests but it sounds like a good way to pay the military back for all they have invested in him and start a new career. He was not diagnosed by a psychiatrist or a clinical psychologist at the time of discharge. According to the regulations he has read and the lawyer assigned to him at Ramstein AFB, this should have been necessary.

Applicant's complete response, with attachments, is attached at Exhibit G.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We took notice of the applicant's complete submission in judging the merits of the case and we commend the applicant for his accomplishments in pursuing to further his education. However, it appears that responsible officials applied appropriate standards in effecting his separation, and we do not find persuasive evidence that pertinent regulations were violated or that the applicant was not afforded all the rights to which entitled at the time of discharge. The Board notes that the records show the applicant was referred by his commander for a mental health evaluation. This evaluation in July 1996 resulted in a diagnosis of Personality Disorder, Not Otherwise Specified as noted in a letter to his commander signed by a mental health provider and countersigned by the psychiatrist who was chief of

the service. We also note he was entered into counseling but his failure to respond positively prompted his subsequent discharge. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 15 October 1998, under the provisions of AFI 36-2603:

Mr. Robert D. Stuart, Panel Chair
 Mr. Henry Romo, Jr., Member
 Mr. Richard A. Peterson, Member
 Ms. Gloria J. Williams, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 5 August 1997, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, BCMR Medical Consultant, dated 12 January 1998.
- Exhibit D. Letter, AFPC/DPPRS, dated 2 February 1998.
- Exhibit E. Letter, AFBCMR, dated 16 February 1998.
- Exhibit F. Letter, Applicant, dated 9 March 1998, w/atchs.
- Exhibit G. Letter, Applicant, dated 23 August 1998, w/atchs.



ROBERT D. STUART
 Panel Chair