

**DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 1999-050

FINAL DECISION

ANDREWS, Attorney-Advisor:

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The BCMR docketed this case on February 26, 1999, upon receipt of the applicant's completed application.

This final decision, dated December 9, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED

The applicant, a former xxxxxx in the Coast Guard, asked the Board to correct her military record by removing "Personality Disorder" as the narrative reason for separation on her discharge form (DD 214). The applicant did not specify what other narrative reason for separation she wants substituted for "Personality Disorder."

APPLICANT'S ALLEGATIONS

The applicant alleged that she was never diagnosed with a personality disorder. She stated that she was diagnosed only with an adjustment disorder with mixed emotions, which is not considered a personality disorder by medical authorities.¹ She alleged that the words "personality disorder" on her DD 214 would unfairly prejudice future employers and others against her.

¹ The Diagnostic and Statistical Manual III defines an "adjustment disorder" as a maladaptive reaction to an identifiable psycho-social stressor that occurs within three months after the onset of the stressor. The maladaptive nature of the reaction is indicated by either impairment in

SUMMARY OF THE RECORD

On September 28, 199x, the applicant enlisted in the Coast Guard for a term of four years, through September 27, 199x. She began serving at xxxx in xxxxxx. During her three and one-half years at the station, her command made four negative administrative entries (page 7s) in her record for gossiping, swearing, and not complaining fast enough about sexual harassment. On xxxx, 199x, the applicant was married. On January 13, 1997, she extended her enlistment in the Coast Guard by one year and five months, through February 27, 199x, in order to accept transfer orders to xxxx, where her husband was stationed.

On June 12, 199x, Dr. x, the chief of psychiatric services at xxxxxxxx in xxxxx dictated the following report on the applicant:

INTRODUCTION: ... The patient was initially referred to the Mental Health Clinic of the xxx Medical Group Hospital by [CDR x] from the Coast Guard Station because of acute depression with suicidal ideation. The patient was initially seen on 23 May 9x.

CHIEF COMPLAINT: "I am very stressed."

HISTORY OF PRESENT ILLNESS: [The applicant] was brought to the attention of [CDR x] on the same day, 23 May 9x, who saw her initially and diagnosed her with clinical depression. [CDR x] sent a consult to the undersigned because of severe dysphoria, profuse crying spells, limited eye contact, and suicidal ideation. The patient was seen the same day by the undersigned who elicited the same symptoms. the patient basically complained of severe depression, dysphoria, anxiety, agitation, and thought of death and suicide but did not appear actively suicidal at the time of the examination. The patient was seen to determine if she could be treated as an outpatient or needed to be treated as an inpatient.

The patient basically appeared acutely preoccupied to issues pertaining to her role in the Coast Guard and also relational problems in her six month old marriage. The patient was initially assigned to the Coast Guard Station in xxxxxx and was moved to xxxx so she could be together with her husband. After her

social or occupational functioning or symptoms that are in excess of a normal and expected reaction to the stressor. ... It is assumed that the disturbance will eventually remit after the stressor ceases, or, if the stressor persists, when a new level of adaptation is achieved.

The Diagnostic and Statistical Manual III defines a "personality disorder" as follows:

Personality traits are enduring patters of perceiving, relating to, and thinking about the environment and oneself, and are exhibited in a wide range of important social and personal contexts. It is only when personality traits are inflexible and maladaptive and cause either significant impairment in social or occupational functioning or subjective distress that they constitute Personality Disorders. The manifestations of Personality Disorders are generally recognizable by adolescence or earlier and continue throughout most of adult life The diagnosis of a Personality Disorder should be made only when the characteristic features are typical of the individual's long-term functioning and are not limited to discrete episodes of illness.

move, she eventually was told that she could not leave the Coast Guard for an additional two years and so the move, instead of being a help, hurt her. She reacted with acute despondency, feelings of being overwhelmed, life is not worth living and feelings of hopelessness and helplessness. In this state of circumstances and in this condition, she was referred to [CDR x] who executed the consultation to the undersigned. ...

MENTAL STATUS EXAMINATION: Initially, the patient appeared her chronological age of xx. she was disheveled, anxious, crying profusely, complaining of acute anxiety, dysphoria and chronic feelings of helplessness, hopelessness and the inability to cope. She appeared fully alert, cooperative but a distressed female. ... She was not psychotic. Her cognition was intact. She was endorsing fleeting thoughts of death and dying and fleeting thoughts of suicidal ideation but denied any active suicidal thought or any active suicidal plan. Her judgment appeared fair and she had insight into the nature of her condition.

PROGRESS AND TREATMENT PLAN: The patient initially was given support, advice, counsel and reassurance. She was given a leave of absence of about 4 days by [CDR x] and she was placed on Serzone, an antidepressant medication.

The patient has been seen since then by [CDR x] at the Coast Guard station and by the undersigned at xxxxx. She is receiving supportive, reassuring type of psychotherapy and her antidepressant medication, Serzone, is being adjusted accordingly. Currently ... the patient has been placed on Serzone 150 mg PO b.i.d. and may need to be increased in the near future to higher levels if necessary.

RECOMMENDATIONS: The servicemember is suffering from a severe adjustment disorder which currently incapacitates her to a severe degree and limits her performance in the Coast Guard.

Her current diagnosis is adjustment disorder with mixed anxiety and depressed mood. This condition is expected to improve with treatment. However, improvement is limited to a certain degree by the occupational problems. This condition may, as a matter of fact, get worse if she is to remain in the Coast Guard in her present situation, this is, to stay in the Coast Guard for at least 2 more years.

This examiner recommends that, in order to prevent this situation from getting worse, the patient be allowed to separate from the military. To that effect, I am strongly recommending fast, expeditious administrative separation from the service for her own benefit as well as that of the U.S. Coast Guard.

PSYCHIATRIC DIAGNOSIS:

DSM IV	Axis I	(309.28) Adjustment disorder with anxious and depressed mood, manifested by severe dysphoria, feelings of hopelessness and helplessness and vague and fleeting suicidal ideation.
	Axis II	(V71.09) No diagnosis.
	Axis III	No physical diagnosis.
	Axis IV	Stressors are severe occupational and relational problems.

Axis V Global assessment of functioning current 65, last year 85.

RECOMMENDATION: Expeditious, prompt administrative separation from the U.S. Coast Guard.

On July 3, 199x, the applicant's commanding officer at xxxxxxxxxx, informed her that he was initiating proceedings to discharge her "by reason of the convenience of the government (condition, not a physical disability which interferes with performance of duty)." The applicant signed a statement acknowledging this notice and indicating that she did not wish to make a statement.

On July 11, 199x, the applicant's commanding officer recommended that she be discharged "by reason of convenience of the government due to medically determined adjustment disorder (a condition, not a physical disability which interferes with performance of duty)." He reported the following to CGPC:

[The applicant] was seen by [Dr. x], Chief, Psychiatric Services, xxxxx on 23 May 199x and was determined to be suffering from a severe adjustment disorder, which currently incapacitates her to a severe degree and limits her performance in the Coast Guard. She was additionally seen by [Dr. x] on three follow-up appointments for counseling and medication. [Dr. x] strongly recommends, in order to prevent this situation from getting worse, fast, expeditious administrative separation from the service for her own benefit as well as that of the Coast Guard. A copy of [Dr. x's] narrative summary is attached as enclosure (3). The xxxxx Clinic concurs with [Dr. x's] diagnosis and has determined that this condition is not a ratable disability. At present [the applicant] continues on medications and is in a fit for limited duty status. ... I recommend that she be awarded an honorable discharge.

On July 30, 199x, CGPC informed the applicant's command that because an adjustment disorder is considered a personality defect, it was "contemplat[ing] directing [an] unsuitability discharge under Art. 12-B-16 due to personality defect." CGPC ordered that she be informed and allowed to submit a statement.

On August 11, 199x, the applicant's commanding officer informed her that CGPC was considering discharging her "due to personality defect vice the Convenience of the Government Discharge [he] originally requested." He also informed her that she had a right to make a statement on her own behalf. The applicant signed a statement indicating that she acknowledged and understood that she was being recommended for an administrative discharge by reason of unsuitability and that she did not desire to make a statement.

On August 13, 199x, the applicant's commanding officer informed CGPC that he advised the applicant she was being considered for an "unsuitability"

discharge rather than a “convenience of the government” discharge. He stated that she should receive an honorable discharge in light of her performance evaluations and “perfect conduct record.”

On September 3, 199x, CGPC ordered the applicant’s command to discharge her no later than October 1st with an honorable discharge by reason of unsuitability under Article 12.B.16 of the Personnel Manual. The orders further stated that her SPD code should be JFX and that the corresponding narrative reason for separation provided in the SPD Handbook (“Personality Disorder”) should be assigned.

On October 1, 199x, the applicant received an honorable discharge with a separation code of JFX (which means “personality disorder; involuntary discharge directed by established directive when a personality disorder exists, not amounting to a disability, which potentially interferes with assignment to or performance of duty”); a narrative reason for separation of “Personality Disorder”; and a reenlistment code of RE-4 (not eligible for reenlistment). The authority cited for her discharge was not Article 12.B.16 of the Personnel Manual, but the orders from Coast Guard Personnel Command dated September 3, 199x.

On September and October 199x, the applicant was evaluated by a civilian doctor in the Department of Psychiatry at xxxxxx University Medical Center who met with her “three to four times” and reviewed her medical military records. Based on his psychological testing, he reported that the applicant does not have a personality disorder or any other psychiatric illness.

VIEWS OF THE COAST GUARD

On October 28, 1999, the Chief Counsel of the Coast Guard submitted an advisory opinion recommending that the Board deny the requested relief.

The Chief Counsel relied on a memorandum from CGPC concerning the regulations governing the applicant’s disposition and discharge. CGPC stated that members with “Personality Disorders: As determined by medical authority, personality behavior disorders and disorders of intelligence list in Chapter 5, CG Medical Manual” may be discharged due to unsuitability under Article 12.B.16. of the Personnel Manual (COMDTINST M1000.6A). CGPC alleged that adjustment disorders are classified under psychiatric conditions in Chapter 5 of the Medical Manual. CGPC further alleged that, under the Separation Designator Program (SPD) Handbook, “[a]ll psychiatric personality conditions that result in a discharge, including adjustment disorders, are given the ‘-FX’ SPD code and ‘Personality Disorder’ narrative. There is no other code/narrative that would accurately and properly describe the member’s discharge.”

Therefore, CGPC concluded, because the applicant was diagnosed with an adjustment disorder, her administrative discharge and the SPD code and corresponding narrative reason for separation (personality disorder) on her DD 214 are “correct and proper.” “Even if the term ‘Personality Disorder’ does not adequately describe her actual medical condition, it is the term that most closely describes her reason for discharge.”

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On November 2, 1999, the Chairman sent the applicant a copy of the views of the Coast Guard and invited her to respond within 15 days. The applicant did not respond.

APPLICABLE LAW

Article 12.B.16 of the Coast Guard Personnel Manual authorizes enlisted personnel to be discharged by reason of unsuitability at the direction of the Commandant for inaptitude, personality disorders, apathy, defective attitudes, inability to expend effort constructively, unsanitary habits, alcohol abuse, financial irresponsibility, or sexual harassment. Article 12.B.16.b of the Personnel Manual authorizes unsuitability discharges for members diagnosed with one of the “personality behavior disorders ... listed in Chapter 5, CG Medical Manual”

Chapter 5.B.2 of the Medical Manual (COMDTINST M6000.1B) lists the personality disorders that qualify a member for administrative discharge pursuant to Article 12 of the Personnel Manual. Adjustment disorders are not included among the personality disorders listed. The list does include “personality trait(s) considered unfitting per paragraph 3-F-16.c.” Chapter 3.F.16.c provides that personality and sexual disorders, personality traits, and “disorders of impulse control not elsewhere classified ... may render an individual administratively unfit [for duty] rather than unfit because of a physical impairment. Interference with performance of effective duty will be dealt with through appropriate administrative channels (see Section 5-B).”

Adjustment disorders are, however, listed in Chapter 5.B.3 of the Medical Manual, which states that they “are generally treatable and not usually grounds for separation. However, when these conditions persist or treatment is likely to be prolonged or non-curative (e.g. inability to adjust to military life ...) process in accordance with [Article 12 of the Personnel Manual] is necessary.”

Chapter 3.F.16.d of the Medical Manual states that adjustment disorders “do not render an individual unfit because of physical impairment. However, if

these conditions are recurrent and interfere with military duty, are not amenable to treatment, or require prolonged treatment, administrative separation should be recommended (see Section 5-B).”

Article 1.E. of the Coast Guard Instruction for completing discharge forms states that a member’s DD 214 should show a separation authority, SPD code, and reenlistment code “as shown in the SPD Handbook or as stated by the [Military Personnel Command] in the message granting discharge authority.” The narrative reason for separation on the DD 214 must be whatever is specified by the Military Personnel Command.

The SPD Handbook includes the following combinations of codes and narrative reasons for separation which might apply to the applicant’s case:

SPD Code	Narrative Reason for Separation	RE Code	Separation Authority	Explanation
JFX	Personality Disorder	RE-4 or RE-3G	12.B.16	Involuntarily discharge [by direction] when a personality disorder exists, not amounting to a disability, which potentially interferes with assignment to or performance of duty.
JFV	Condition, Not a Disability	RE-4, RE-3G, or RE-3X	12.B.12	Involuntarily discharge [by direction] when a condition, not a physical disability, interferes with the performance of duty (Enuresis, motion sickness, allergy, obesity, fear of flying, et al.)
JND	Separation for Miscellaneous/General Reasons	RE-1 or RE-4	12.B.12	Involuntarily discharge [by direction] when a Service ... desires to identify reasons collectively “All other reasons” which qualify a member for separation.
JFG	Competent Authority without Board Action	RE-1 or RE-4	12.B.12	Involuntary discharge by direction of competent authority ... without board action.
JBK	Completion of Required Active Service	RE-1 or RE-4	12.B.11	Involuntary discharge [by direction] ... upon completion of required service.

Article 1.G.19 of the Personnel Manual states the following:

1. An extension of enlistment may not be canceled after it begins to run, either for the convenience of the Government or the person concerned.

2. An appropriate authority may cancel an Agreement to Extend Enlistment at any time before the extension begins to run if any of these situations applies.

a. The commanding officer shall cancel an Agreement to Extend Enlistment in the following cases:

• • •

iii. When the commanding officer receives orders to discharge the member before the date the extension begins to run.

iv. When an individual's performance of duty or conduct is unsatisfactory and the commanding officer believes the member is not suitable to retain in the Service. ...

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10, United States Code. The application was timely.

2. The applicant asked the Board to change the narrative reason for separation shown on her DD 214. She argued that it was unjust for the form to show that she has a personality disorder when she was never diagnosed with one.

3. The applicant apparently consulted a doctor four times over the course of a month before he recommended that she be discharged. She was never diagnosed with a personality disorder. Instead, she was diagnosed with an adjustment disorder with mixed emotions due to feelings of despair and anxiety. Although Chapter 5.B.3 of the Medical Manual states that adjustment disorders are "not usually grounds for separation," it clearly authorizes administrative discharges for members whose adjustment disorders continue to cause problems.

4. Article 12.B.16.b of the Personnel Manual authorizes unsuitability discharges for members with "personality behavior disorders ... listed in Chapter 5, CG Medical Manual." However, the list of personality disorders in Chapter 5 of the Medical Manual does not include any adjustment disorders. Adjustment disorders are listed separately in Chapter 5.B.3 of the Medical

Manual and are not considered to be personality disorders, according to the Diagnostic and Statistical Manual III.

5. There is no SPD code specifically for people diagnosed with adjustment disorders. There are a limited number of separation codes available to the Coast Guard; they cannot be tailor-made to reflect exactly the circumstances of each member's discharge. Therefore, members sometimes receive SPD codes and narrative reasons for separation that do not perfectly reflect the causes of their discharge.

6. Nonetheless, because civilian employers often demand to see former servicemembers' DD 214s prior to hiring them, it is extremely important for DD 214s to be fair and accurate and not to unduly tarnish servicemembers' records without just cause.

7. In the Board's experience, members assigned the SPD code JFX usually have been diagnosed with a personality disorder or a chronic adjustment disorder that repeatedly leads to inappropriate behavior or misconduct which fully supports their diagnoses.² Moreover, members correctly assigned the SPD code JFX often are given "Unsuitability" as a narrative reason for separation even though the SPD Handbook permits only the use of "Personality Disorder" with the SPD code JFX.³

8. There is no evidence that the applicant's adjustment disorder was anything but temporary and situational. Furthermore, while her despair apparently hindered her work and she had in prior years received four negative page 7 entries for gossiping, swearing, and not complaining fast enough about sexual harassment, her commanding officer indicated that she had a "perfect conduct record."

² See, e.g., BCMR Docket No. 1999-037 (member frequently exhibiting inappropriate sexual behavior over two-year period was twice diagnosed with "adjustment disorder with disturbance of conduct" and discharged with JFX SPD code and narrative reason for separation of "Unsuitability"); BCMR Docket No. 1998-099 (member twice arrested for indecent exposure was diagnosed with narcissistic personality disorder and discharged with a GFX SPD code ("involuntary discharge approved by recommendation of a board when a personality disorder exists, not amounting to a disability, which potentially interferes with assignment to or performance of duty") and a narrative reason for separation of "Unsuitability"; BCMR Docket No. 1997-097 (member suffering severe chronic depression was diagnosed with passive-aggressive personality disorder and discharged with JFX SPD code and narrative reason for separation of "Unsuitability").

³ *Id.* Although the SPD Handbook was revised in 1994 to remove "Unsuitability" as a proper narrative reason for separation, it apparently continues to be used in lieu of "Personality Disorder."

9. In light of the above findings, the Board finds that the Coast Guard committed an injustice when it assigned the applicant "Personality Disorder" as a narrative reason for separation. In addition, the separation authority cited on the applicant's DD 214 is incorrect.

10. The applicant did not indicate what narrative reason for separation she wanted.⁴ The Board finds that, given the applicant's diagnosis and the provisions of the SPD Handbook, the Coast Guard could rightly have assigned her the following SPD codes: JFV, JND, or JFG. Under Article 1.G.19 of the Personnel Manual, the Coast Guard also could have canceled her extension (which became effective only four days before her discharge and several weeks after her discharge orders were issued) and assigned her the SPD code JBK. In the alternative, the Coast Guard could have ignored the SPD Handbook, as it has done in the past, and assigned the applicant "Unsuitability" as a narrative reason for separation.

11. In light of the applicant's diagnosis, the Board finds that it is in the interest of justice to change the narrative reason for separation shown on her DD 214 to "Condition, Not a Disability" and the separation authority to Article 12.B.12 of the Personnel Manual. In addition, the applicant's SPD code should be changed to JFV and her reenlistment code should be changed to RE-3G, which means "eligible for reenlistment except for disqualifying factor: condition (not physical disability) interfering with performance of duty."

12. Accordingly, the applicant's request should be granted.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

⁴ The applicant did not respond to the Chief Counsel's advisory opinion, and attempts to contact her by phone failed.

ORDER

The application for correction of the military record of former XXXXXXXX, USCG, is hereby granted as follows:

- Block 25 of the applicant's DD 214 shall be corrected to show that the separation authority was Article 12.B.12 of the Personnel Manual.
- Block 26 on the DD 214 shall be corrected to show SPD code "JFV."
- Block 27 on the DD 214 shall be corrected to show reenlistment code "RE-3G."
- Block 28 on the DD 214 shall be corrected to show "Condition, Not a Disability" as the narrative reason for separation, rather than "Personality Disorder."

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