



**CUI//SP-MIL/SP-PRVCY**

**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**



**DOCKET NUMBER:** BC-2022-00923

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

1. Remove the Separation Code and corresponding Narrative Reason for Separation JFX, *Conditions that Interfere with Military Service - Not Disability/Personality Disorder*, from section 28 of his DD Form 214, *Certificate of Release or Discharge from Active Duty*.
2. His reenlistment code 2C<sup>1</sup> be changed to reflect he is "Eligible to Reenlist."

**APPLICANT'S CONTENTIONS**

The remark and reason for separation in section 28 are inequitable due to defunct and repealed discriminatory policies that sought to expose him from the military due to his sexual orientation. Being gay does not equate to a personality disorder.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an honorably discharged Air Force airman first class (E-3).

On 27 Feb 85, in a memorandum discussing the "Mental Health Evaluation" of the applicant, the Chief, Mental Health Services provided the following sensitive information with customary confidentiality and released only to those with an official need to know:

In Jan 84, the applicant was hospitalized for an Adjustment Disorder with depression, moderate, resolved diagnosis. His reactive depression was precipitated by being in an overseas assignment, family problems, and the loss of his favorite horse. He was undecided whether to separate from the service or not. Recent events seem to concretize his intention to separate from the Air Force. Reportedly, he admitted to a few supervisors that he had been involved in homosexual activities.

Diagnosis: Mixed Personality Disorder, *Diagnostic and Statistical Manual of Mental Disorders, Third Edition*, (DSM III) 301.89; manifested by maternal dependency, immaturity, interpersonal difficulties, conflicts with persons in authority, gender identity disturbance, and inability to adapt in the military. Prognosis for productive retention in the military is poor. Suicide risk is minimal.

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<sup>1</sup> Involuntarily separated with an honorable discharge; or entry level separation without characterization of service.

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Recommendations: His personality disorder interferes with duty performance and conduct and is so severe that the ability to function in the military environment is significantly impaired. Recommend discharge under the provisions of AFR 39-10, *Administrative Separation of Airmen*, paragraph 5-12, as soon as possible.

On 13 Mar 85, the applicant's commander notified him that he was recommending his discharge (characterized as honorable) for conditions that interfere with military service, and that he not be considered for probation and rehabilitation under Chapter 7, AFR 39-10. The reasons for this action: Competent medical authority diagnosed him as having a personality disorder listed in the DSM III, to wit: Mixed Personality Disorder, manifested by maternal dependency, immaturity, interpersonal difficulties, conflicts with persons of authority, gender identity disturbance, and inability to adapt to military life.

On 14 Mar 85, the applicant responded to the notification of discharge after consulting with counsel, waiving his right to submit statements for the commander's consideration.

On 15 Mar 85, the Staff Judge Advocate's legal review found the discharge file legally sufficient to support discharge, recommending the applicant be separated with an honorable discharge, without probation and rehabilitation.

On 20 Mar 85, the discharge authority approved the applicant's discharge under the provisions of AFR 39-10, paragraph 5-11i(1), directing he be furnished an honorable discharge, having considered the applicant for probation and rehabilitation but did not find him suitable for that program due to his inability to meet Air Force standards.

On 2 Apr 85, the applicant was honorably discharged, having served 2 years, 4 months, and 18 days of active service.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisories at Exhibits C and E.

### **AIR FORCE EVALUATION**

HQ AFPC/JA recommends denying the application. On 27 Feb 85, the Chief of Mental Health Services diagnosed the applicant with Mixed Personality Disorder (DSM III 301.89), with depression. The Chief of Mental Health Services noted the depression was likely a result of being in an overseas location, family problems, and the loss of a favorite horse back home. The diagnosis identified the Mixed Personality Disorder manifested itself through "maternal dependency, immaturity, interpersonal difficulties, conflicts with persons in authority, and gender identity disturbance." Lastly, it was noted the applicant "reportedly admitted to a few supervisors that he had been involved in homosexual activities," but it appears his command did not take any action against him in response to that admission. The Judge Advocate in the legal review of the case file, found no errors or irregularities with the applicant's discharge package, and he was discharged with an honorable service characterization. The available evidence does not support the applicant's assertion his discharge was a result of his sexual orientation; specifically, that "being gay does not equate to a personality disorder." They opine the evidence clearly demonstrates and substantiates the basis for discharge for a mental health disorder, and while the phrase "gender identity disturbance" does appear in the mental health evaluation diagnosis, it does not appear to play a significant role in the evaluation. The discharge was correctly based on the applicant's mental health diagnosis; therefore, they recommend the Board deny the applicant's request to change his DD Form 214.

The complete advisory opinion is at Exhibit C.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 26 Apr 22 for comment (Exhibit D) but has received no response.

## **ADDITIONAL AIR FORCE EVALUATION**

The AFBCMR Psychological Advisor finds no error or injustice with the applicant's discharge but recommends removing "personality disorder" from his DD Form 214 and modifying the narrative reason for separation to "Condition Not A Disability" to protect sensitive information. A review of his available records revealed there was evidence the applicant informed his supervisors he was involved in homosexual activities and the personality disorder he was given contained traits of "gender identity disturbance," but was not considered a prominent trait of this condition. His struggles during service were primarily identified as his difficulty with adjusting to overseas and family problems, brought on depression resulting with at least two inpatient psychiatric hospitalizations. There were minimal reports or information in his records that his sexual orientation was a significant stressor to him or affected his overall functioning in the service. The full mental health evaluation that resulted with his personality disorder diagnosis was not available or submitted for review; however, the available evidence reflected he had situational depression, adjustment issues, and numerous personality traits of maternal dependency, immaturity, interpersonal difficulties, conflicts with persons in authority, gender identity disturbance, and inability to adapt that impaired his functioning in the service. These conditions/traits were unsuited for continued military service and led to his administrative discharge.

While the applicant contends his discharge was based on defunct and repealed discriminatory policies (DADT Repeal Act of 2010), this policy does not apply to the applicant because he was not discharged for homosexuality or related reasons, but for a personality disorder. Reference DoD policy guidance to *Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions; TBI; Sexual Assault; or Sexual Harassment* (Kurta Memo, 25 Aug 17), the Psychological Advisor did apply liberal consideration to the applicant's petition and offered the following answers to the four questions from the policy guidance based on the available records for review:

**1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?** The applicant contends the narrative reason for separation on his DD Form 214 is "inequitable due to defunct and repealed discriminatory policies that sought to expose me from the military due to my sexual orientation."

**2. Did the condition exist or experience occur during military service?** The applicant did inform his supervisor he was involved in homosexual activities, and his personality disorder given during service included traits of "gender identity disturbance." He was discharged for: Mixed Personality Disorder, manifested by maternal dependency, immaturity, interpersonal difficulties, conflicts with persons of authority, gender identity disturbance, and inability to adapt to military life.

**3. Does the condition or experience excuse or mitigate the discharge?** The applicant's homosexual activities or sexual orientation were not the cause or reason for his discharge. His discharge was for an unsuited personality disorder, which included traits of "gender identity disturbance," but these traits were not his prominent feature and did not have a significant role or impairment to his behaviors and functioning during service. There is no evidence his personality

disorder diagnosis and subsequent discharge were made in error and so his mental health condition does not excuse or mitigate his discharge.

**4. Does the condition or experience outweigh the discharge?** Since the applicant's mental health condition does not excuse or mitigate his discharge, his mental health condition also does not outweigh his original discharge.

Removing "personality disorder" from the applicant's DD Form 214 and modifying the narrative reason for separation to "Condition Not A Disability" is appropriate per the liberal consideration policy guidance.

The complete advisory opinion is at Exhibit E.

#### **APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 29 Aug 22 for comment (Exhibit F) but has received no response.

#### **FINDINGS AND CONCLUSION**

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. While the Board notes the recommendation of AFPC/JA against correcting the record, the Board concurs with the rationale and recommendation of the AFBCMR Psychological Advisor and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the Board agrees with the AFBCMR Psychological Advisor there was no error or injustice with the applicant's discharge but by removing "personality disorder" from his DD Form 214 and modifying the narrative reason for separation to "Condition Not A Disability" will protect sensitive information and is appropriate per the liberal consideration DoD policy guidance (Kurta Memo, dated 25 Aug 17). However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. Specifically, while the applicant contends his discharge was based on defunct and repealed discriminatory policies (DADT Repeal Act of 2010), the available evidence does not support the contention his discharge was a result of his sexual orientation; but clearly demonstrates and substantiates the basis for his discharge was a mental health disorder. Therefore, the Board recommends correcting the applicant's records as indicated below.

#### **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show the DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued on 2 Apr 85, be amended to reflect he was discharged with a Separation Code and corresponding Narrative Reason for Separation of JFV, *Condition – Not a Disability*.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

**CERTIFICATION**

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2022-00923 in Executive Session on 19 Jan 23:

[REDACTED], Panel Chair  
[REDACTED], Panel Member  
[REDACTED], Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atc, dated 23 Feb 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/JA, dated 25 Apr 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to applicant, dated 26 Apr 22.
- Exhibit E: Advisory opinion, AFBCMR Psychological Advisor, dated 25 Aug 22.
- Exhibit F: Notification of Advisory, SAF/MRBC to applicant, dated 29 Aug 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

3/14/2023

X [REDACTED]

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Board Operations Manager, AFBCMR  
Signed by: [REDACTED]