



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03021

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He be given a medical separation.

APPLICANT'S CONTENTIONS

It was discovered he has Autism in 2020 at the Department of Veterans Affairs (DVA) Medical Center in Work-Product

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force sergeant (E-4).

On 13 Jan 70, the applicant wrote a letter to the Secretary of Defense (SECDEF) appealing his administrative discharge.

Dated 29 Apr 70, Special Order Work-Product indicates the applicant was relieved from assignment, patient squadron, Work-Product Medical Center and was honorably discharged, effective 4 May 70 under the authority of AFM 39-12, *Separation for Unsuitability, Misconduct, Resignation, or Request for Discharge for the Good of the Service and Procedures for Rehabilitation Program*, paragraph 2-4b.

On 4 May 70, DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, reflects the applicant was honorably discharged in the grade of sergeant (E-4) after serving three years, seven months, and nine days of active duty. He was administratively discharged, with a reason for separation of a separation designator number (SDN) 264 which denotes unsuitability, character and behavior disorders.

Dated 9 Feb 71, a letter in response to his request for appeal of his discharge to the SECDEF, a military personnel clerk responded stating his commander recommended he be administratively discharged on the grounds of "unsuitability" to which he received an honorable discharge.

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

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

AIR FORCE EVALUATION

The AFRBA Psychological Advisor completed a review of all available records and finds insufficient evidence to support the applicant's request for the desired changes to his record. A review of the applicant's available records finds he did not have any unfitting mental health conditions including Schizophrenia or any other psychotic disorders that would meet the criteria for a referral to the Medical Evaluation Board (MEB) for a possible medical discharge. His service treatment records are not available or submitted by the applicant for review so there are no objective records to confirm he had any unfitting mental health conditions during service. There is no evidence or records he was ever diagnosed with autism or autism spectrum disorder (ASD) by his DVA providers as he contended and this condition if existed and diagnosed during service, would be an unsuiting and not unfitting mental health condition that met the requirement for an administrative discharge. He was discharged for having a different unsuiting mental health condition, and there is no error or injustice identified with his discharge from service from a mental health perspective. Liberal consideration is not appropriate to be applied to the applicant's request because this policy does not apply to fitness determinations or medical discharge/retirement requests.

He wrote a letter to the SECDEF after service reporting he was hospitalized during service for an unidentified condition resulting in a recommendation for an administrative discharge. His hospital treatment records are not available for review, but his DD Form 214 confirms he received at least an evaluation and/or treatment at [REDACTED] *Work-Product* during service as it was indicated there was a letter from this treatment facility on this form. His DD Form 214 revealed he was discharged under separation authority of AFM 39-12, paragraph 2-4B, which is for a personality disorder. A personality disorder is an unsuiting mental health condition for continued military service and this reason would be consistent with the "Unsuitability" reason documented in the letter from the military personnel clerk. The type of personality disorder he had or was diagnosed with during service was not identified in his existing records; however, there are no records to suggest his personality disorder diagnosis was made in error.

The applicant's DVA treatment records revealed he was primarily treated for Schizophrenia or variations of a psychotic disorder for decades after his military service. Although he was mostly treated for this primary condition, he had also been given several personality disorder diagnoses such as paranoid personality disorder, histrionic personality disorder, and narcissistic personality disorder by various DVA providers over the years. Personality disorders, according to the current version of the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision defines a personality disorder as an enduring pattern of inner experience and behavior that deviates markedly from the norms and expectations of the individual's culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment. Although his exact personality disorder during service was not identified, the fact his mental health providers at the DVA were able to diagnose him with a personality disorder years

and decades after his military service would support, he had a bona fide personality disorder during service. This would demonstrate his personality disorder was pervasive, inflexible, and stable over time and thus, his personality disorder diagnosis given during service appeared to be valid.

The applicant contends he was diagnosed with Autism in 2020 by the DVA. There are no records whatsoever from the DVA he was ever diagnosed with autism or ASD. Hypothetically if he was diagnosed with autism or ASD by his DVA providers, this diagnosis or condition would not support this request for a medical discharge. Autism or ASD is categorized as an unsuiting mental health condition and would meet the criteria for an administrative discharge, which he had already received but for a different unsuiting condition. Thus, his request would not change the outcome of his discharge.

According to the applicant's DVA treatment records, he was reported to have been diagnosed with Schizophrenia in 1970. His discharge summary did not clarify who had diagnosed him with Schizophrenia, e.g. military or DVA provider, and when during 1970 he was diagnosed with this condition, e.g. during or after his military service. He was discharged from the military on 7 May 70. There is no evidence or records he was diagnosed or treated for Schizophrenia or a psychotic disorder during service. His DVA treatment records did report he was diagnosed with paranoid personality disorder and symptoms of this condition may be similar to a psychotic disorder like Schizophrenia. It is possible he may have paranoid personality disorder during service and later develop Schizophrenia because his symptoms may continue to develop and mature over time to meet the diagnostic criteria for Schizophrenia or another condition. It appeared more likely he may have developed Schizophrenia after service. Due to the applicant's service treatment records not being available for review, these impressions are speculative, and could not confirm whether he had any of these conditions during service. There is no evidence or records he experienced any psychotic symptoms during service such as paranoia, delusions, hallucinations, and suspiciousness to name some common psychotic symptoms. There is no evidence or records of the psychotic symptoms his DVA providers reported he experienced after service had occurred or existed during his military service. His performance appraisals reported he was a satisfactory worker but did have extreme nervousness that hindered his concentration ability. Nervousness or anxiety is a symptom shared between many different mental disorders and not necessarily exclusive to Schizophrenia or psychosis and therefore, his one reported symptom of nervousness could not be determined as a psychotic disorder. As mentioned previously, there is no evidence or records the applicant had any unfitting mental health conditions including Schizophrenia during service.

Finally for awareness since the applicant was granted service connection from the DVA for his mental health condition per his DVA treatment records; the military's Disability Evaluation System (DES), established to maintain a fit and vital fighting force, can by law, under Title 10, U.S.C., only offer compensation for those service incurred diseases or injuries which specifically rendered a member unfit for continued active service and were the cause for career termination; and then only for the degree of impairment present at the time of separation and not based on post-service progression of disease or injury. To the contrary, the DVA, operating under a different set of laws, Title 38, U.S.C., is empowered to offer compensation for any medical condition with an established nexus with military service, without regard to its impact upon a member's fitness to serve, the narrative reason for release from service, or the length time transpired since the date of

discharge. The DVA may also conduct periodic reevaluations for the purpose of adjusting the disability rating awards as the level of impairment from a given medical condition may vary [improve or worsen] over the lifetime of the veteran.

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 21 Mar 24 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed.
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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The mere existence of a mental health diagnosis does not automatically determine unfitness and eligibility for a medical separation or retirement. The Board finds no error with the discharge process. The applicant was discharged from the service due to an unsuiting mental health condition; there were no records to indicate he had an unfitting mental health condition which would meet the criteria for a referral to the MEB for a possible medical separation. His medical records from his time in the service were not available for review. Per DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, applicants have the burden of proof for providing evidence in support of their claim. Furthermore, a higher rating by the DVA, based on new and/or current exams conducted after discharge from service, does not warrant a change in the applicant's reason for separation. The DVA is empowered to offer compensation for any medical condition with an established nexus with military service, without regard to its impact upon a member's fitness to serve, the narrative reason for release from service, or the length of time transpired since the date of discharge. Therefore, the Board finds recommends against correcting the applicant's records. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement and finds the application untimely.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2023-03021 in Executive Session on 18 Jun 24:

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Panel Chair
, Panel Member
Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, dated 16 Aug 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFRBA Psychological Advisor, dated 15 Mar 24.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Mar 24.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

7/19/2024

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Board Operations Manager, AFBCMR
Signed by: USAF