



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00059

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His narrative reason for separation changed or corrected.

APPLICANT'S CONTENTIONS

The narrative reason for separation is "personality disorder" which he finds stigmatizing and a potential violation of his medical privacy. He also contends he has not been diagnosed or treated for any personality or psychiatric disorders since being separated from the Air Force. He has been in good standing as an Emergency Medical Technician since 2006 and a nurse for about three years in the State of New York.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman basic (E-1).

On 11 May 05, according to the DD Form 4/1, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the Regular Air Force.

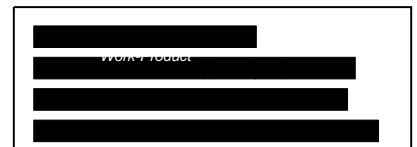
On 25 Jun 05, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208 Chapter 5, Section 5B, Involuntary Convenience of the Government, Paragraph 5.11, Conditions that Interfere with Military Service, specifically Paragraph 5.11.9, under Mental Disorders, with the type of discharge being Entry Level Separation (ELS).

On 28 Jun 05, according to the DD Form 214, *Certificate of Release or Discharge from Active Duty*, he was discharged from the regular Air Force with an ELS, and total time of one month and five days. He received an Uncharacterized character of service discharge, and the narrative reason for separation was "Personality Disorder".

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

AFBCMR Docket Number BC-2024-00059

Work-Product



APPLICABLE AUTHORITY/GUIDANCE

On 3 Sep 14, the Secretary of Defense issued a memorandum providing guidance to the Military Department Boards for Correction of Military/Naval Records as they carefully consider each petition regarding discharge upgrade requests by veterans claiming Post-Traumatic Stress Disorder (PTSD). In addition, time limits to reconsider decisions will be liberally waived for applications covered by this guidance.

On 25 Aug 17, the Under Secretary of Defense for Personnel and Readiness issued clarifying guidance to Discharge Review Boards and Boards for Correction of Military/Naval Records considering requests by veterans for modification of their discharges due in whole or in part to mental health conditions [PTSD, Traumatic Brain Injury (TBI), sexual assault, or sexual harassment]. Liberal consideration will be given to veterans petitioning for discharge relief when the application for relief is based in whole or in part on the aforementioned conditions.

Under Consideration of Mitigating Factors, it is noted that PTSD is not a likely cause of premeditated misconduct. Correction Boards will exercise caution in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct. Liberal consideration does not mandate an upgrade. Relief may be appropriate, however, for minor misconduct commonly associated with the aforementioned mental health conditions and some significant misconduct sufficiently justified or outweighed by the facts and circumstances.

Boards are directed to consider the following main questions when assessing requests due to mental health conditions including PTSD, TBI, sexual assault, or sexual harassment:

- a. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
- b. Did that condition exist/experience occur during military service?
- c. Does that condition or experience actually excuse or mitigate the discharge?
- d. Does that condition or experience outweigh the discharge?

On 25 Jul 18, the Under Secretary of Defense for Personnel and Readiness issued supplemental guidance, known as the Wilkie Memo, to military corrections boards in determining whether relief is warranted based on equity, injustice, or clemency. These standards authorize the board to grant relief in order to ensure fundamental fairness. Clemency refers to relief specifically granted from a criminal sentence and is a part of the broad authority Boards have to ensure fundamental fairness. This guidance applies to more than clemency from sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. Each case will be assessed on its own merits. The relative weight of each principle and whether the principle supports relief in a particular case, are within the sound discretion of each Board. In determining whether to grant relief on the basis of equity, an injustice, or clemency grounds, the Board should refer to paragraphs 6 and 7 of the Wilkie Memo.

On 25 Jun 24, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibit C).

AIR FORCE EVALUATION

The AFRBA Psychological Advisor finds an error was made to the applicant's DD Form 214. His current narrative reason for separation is listed as "Personality Disorder;" however, he was actually discharged for having an unsuiting adjustment disorder. To correct this error, the Psychological Advisor recommends to the Board to change his narrative reason to "Condition Not a Disability," which is the correct reason for his discharge.

The applicant's military records reveal he clearly had difficulties adjusting to Basic Military Training (BMT) affecting his ability to perform satisfactorily and causing him to experience anxiety and depressive symptoms such as sleep difficulties, bedwetting, loss of appetite, fear of authority figures, diminished concentration, and fleeting suicidal ideation without intention or plans. He was given a diagnosis of adjustment disorder with mixed anxiety and depressed mood. Due to these experiences and symptoms, his mental disorder diagnosis was assessed to be appropriate and valid. He was separated for having an unsuiting adjustment disorder and this condition was the basis of his ELS, having served less than 180 days of continuous active service. Thus, there is no error or injustice identified with his discharge for having an unsuiting mental health condition. His DD Form 214 currently lists his narrative reason for discharge as "Personality Disorder;" however, there is no evidence he was ever diagnosed with any personality disorders during service as he contends and this appeared to be an administrative error. Personality disorders and adjustment disorders are both considered to be unsuiting mental health conditions, resulting in an administrative discharge. This was most likely the reason for the error as these conditions share the same classification. To correct this identifiable error, the Psychological Advisor recommends the Board change his narrative reason to "Condition Not a Disability." This narrative reason is the appropriate and correct reason for his actual separation from service and is an acceptable narrative reason per liberal consideration guidance, Kurta Memorandum #17. This narrative reason would also provide privacy for the applicant as requested. The decision to change and choose the proper narrative reason for the applicant is at the Board's discretion.

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

The applicant contends he was never diagnosed or treated for any personality or psychiatric disorders since being separated from the Air Force. He believes the current narrative reason for separation listed on his DD Form 214 is stigmatizing and a potential violation of medical privacy.

2. Did the condition exist or experience occur during military service?

The applicant was given a diagnosis of adjustment disorder with mixed anxiety and depressed mood due to his inability to adapt to the military causing his poor performance and anxiety and depressive symptoms. There is no evidence he was diagnosed with any personality disorders or that this type of condition had existed or occurred during his military service.

3. Does the condition or experience excuse or mitigate the discharge?

The applicant's adjustment disorder and not personality disorder was the cause and reason for his discharge. His adjustment disorder diagnosis is determined to be appropriate and valid based on

his reported symptoms and clinical presentation during service. There is no error or injustice with his administrative discharge for having an unsuiting mental health condition. There is, however, an administrative error with his narrative reason for separation listed on his DD Form 214 because he did not have a personality disorder nor was discharged for this reason. Adjustment disorders and personality disorders share the same classification so this could have been the reason for the error. His narrative reason for separation should be changed to “Condition not a Disability” per Kurta Memorandum #17. His unsuiting mental health condition of an adjustment disorder caused his discharge but does not excuse or mitigate his discharge.

4. Does the condition or experience outweigh the discharge?

There is no error or injustice identified with the applicant’s administrative discharge for having an unsuiting mental health condition; his condition and experience do not outweigh his original discharge.

The complete advisory opinion is at Exhibit D.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 25 Jun 24 for comment (Exhibit E), 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. The Board concurs with the rationale and recommendation of the AFRBA Psychological Advisor and finds a preponderance of the evidence substantiates the applicant’s contentions. The Board recognizes the potential stigma of “Personality Disorder” listed on his DD Form 214 which is sufficient to warrant a change to his records. There is no evidence that he was ever diagnosed with any personality disorders during service as he contends and this appeared to be an administrative error. Personality Disorders and Adjustment Disorders are both considered to be unsuiting mental health conditions, resulting in an administrative discharge. This was most likely the reason for the error as these conditions share the same classification. To correct this identifiable error, the Board recommends changing his narrative reason to “Condition Not A Disability”. This narrative reason is the appropriate and correct reason for his actual separation from service and is an acceptable narrative reason per liberal consideration guidance, Kurta Memorandum #17. Therefore, the Board recommends correcting the applicant’s records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

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 from Active Duty*, issued in conjunction with his 28 Jun 05 discharge, be amended to reflect a Separation Code of JFV and a Narrative Reason for Separation of Condition, Not a Disability.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-00059 in Executive Session on 12 Sep 24:

- Work-Product**, Panel Chair
- Work-Product**, Panel Member
- Work-Product**, Panel Member

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

- Exhibit A: Application, DD Form 149, dated 18 Dec 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, (Post-Service Request and Liberal Consideration Guidance), dated 25 Jun 24
- Exhibit D: Advisory, AFRBA Psychological Advisor, dated 21 May 24.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 25 June 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.

10/3/2024

X

Work-Product

Work-Product

Board Operations Manager, AFBCMR
Signed by: USAF