

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 January 2024

DOCKET NUMBER: AR20230003272

APPLICANT REQUESTS: remission of his U.S. Military Academy (USMA) tuition repayment obligation.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Letter from Attorney
- Memorandum in Support of Application for Correction of Records
- Exhibit 1 - DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Exhibit 2 – Memorandum, Subject: Academic Separation for Applicant
- Exhibit 3 - Letter from Department of the Treasury Bureau of the Fiscal Service
- Exhibit 4 - Clinical Psychologist Statement
- Exhibit 5 - Nomination to USMA
- Exhibit 6 - USMA Transcript
- Exhibit 7 –
 - Memorandum, Subject: Applicant's Academic and Military Deficiencies
 - Memorandum, Subject: Appeal to the Academic Board
- Exhibit 8 –
 - Letter from Behavioral Health and Wellness
 - Letter from Children, Adolescent, Adult, and Forensic Psychiatry
 - Letter from Clinical Psychologist
- Exhibit 9 - Unofficial Transcript
- Exhibit 10 - Cadet Record Brief
- Exhibit 11 - Diagnosis and Treatment Plan

FACTS:

1. The applicant indicates on his application he suffers from a disability and other mental health issues. He states, in effect, he is requesting remission of his USMA tuition repayment obligation. While attending USMA during his senior year, he experienced the onset and acceleration of mental illness, which caused a breakdown in his ability to function. Subsequently, he was separated for academics. He has since been clinically diagnosed and is under the care of a physician. However, Defense Finance and Accounting Service (DFAS), is attempting to collect tuition reimbursement even though he was never properly diagnosed or treated, while attending West Point (USMA).

2. The applicant did not have a record in the Interactive Personnel Electronics Records Management System; however, the documentation provided by the applicant is sufficient for the Board to make a determination in this case.

3. The applicant's attorney states, on behalf of the applicant:

a. On 5 March 2020, the applicant was separated from USMA for academic deficiency. Unbeknownst to the applicant, his academic struggles were the result of undiagnosed bipolar disorder, and general anxiety disorder. The resulting crippling symptoms, which the applicant still struggles with today and will for life, manifested, while the applicant was at USMA and became unmanageable, during his senior year with periods of mania, depression, insomnia, and anxiety, which all hindered his ability to complete his academic coursework. During the separation proceedings, the Superintendent of West Point noted, "there is no other basis for separation of the applicant other than academic deficiency, at this time." The separation occurred even though after three years at West Point, pursuing a Chinese major and System Engineering minor, the applicant was just below the middle of his class with a 2.44 grade point average (GPA).

b. As a result of the separation, DFAS initiated recoupment proceedings for repayment of \$307,459.96 in tuition and education costs pursuant to Department of Defense Instruction (DoDI) 1322.22 (Military Service Academies) and Army Regulation (AR) 150-1 (USMA Organization, Administration, and Operation), paragraph 8-12.

c. Since being separated, the full extent of the applicant's condition has become clear. Dr. P- G-, Ph.D., a clinical psychologist who has treated the applicant since his separation, as well as his older sister, for bipolar disease disorder, opined that "it is my opinion that the problems the applicant was exhibiting at West Point that resulted in his dismissal were directly tied to the psychological problems" the doctor described in his letter.

d. Prior to the onset of his mental health symptoms, the applicant was a successful cadet who received glowing recommendations for enrollment in USMA. The applicant's leadership potential was described as, "when asked if the applicant had the potential to be a leader in his future career or community, I cannot help but state the applicant is beyond the word potential. He has and continues to consistently demonstrate his ability to lead in this community."

e. Over the course of his three successful years at West Point, the applicant proved he was intellectually and physically capable of meeting the demanding standards at the academy. The onset of his mental health disorders contributed to his academic performance deficiencies, ultimately resulting in his separation. These same afflictions have since prevented him from completing his education, gaining employment, or living on his own, present a financial hardship, which renders the applicant unable to pay such debt. Now with the benefit of the applicant's medical diagnosis, the applicant seeks correction of his military records in the interest of equity for remission of the debt currently owed due to his separation.

f. In July 2016, the applicant enrolled at USMA, West Point, NY. The applicant made it through his first three years with no significant setbacks. Specifically, he was ranked in the middle of his class academically (as well as physically and militarily), was elected president of the eight member West Point Glee Club and had chosen the rigors and mission of Infantry for his branch. Up until his first semester of his senior year, the applicant was maintaining a 2.44 cumulative grade point average.

g. During the first semester of his senior year at USMA, the applicant began experiencing the onset of physical symptoms consistent with general anxiety disorder and bipolar disorder. Among others, these symptoms included excessive sweating, agitation, difficulty sleeping, mood swings, and decreased energy. The change in the applicant's demeanor caused concern from classmates, professors, superiors, and his parents. Ultimately, a combination of these stresses, anxieties and pressures pushed the applicant into a severe depressive episode where he struggled to even get out of bed and go to classes. This led to him failing two classes, during his first semester of senior year and being separated in March of his final semester.

h. At the time of the separation proceedings, the applicant was unaware of the full extent of the mental illness he was experiencing. Instead, the applicant attributed his academic struggles to issues with his relationship, his grandmother's health struggles, and difficulty with Attention Deficit/Hyperactive Disorder (ADHD). Ultimately, the underlying cause of the applicant's mental health issues were far more serious than he or others realized, at the time.

i. After returning home, he sought mental health treatment and counseling. Initially, the applicant was treated for major-depression disorder and prescribed a variety of

antidepressant medications to no avail. The applicant continued to experience periods of depression followed by shorter periods of extreme energy, sleeplessness, and agitation. Based on these symptoms and patterns, it became clear the applicant was experiencing the symptoms of mania associated with bipolar disorders. In addition, the applicant has a well-documented family history of psychological disorders including bipolar disorder. Specifically, his paternal great grandmother, great aunt, and an older sister were all clinically diagnosed with bipolar disorder, anxiety, or schizophrenia. All that are alive are, and remain for life, medicated and under the treatment of mental health professionals.

j. Notably, the presence of bipolar disorder symptoms results in manic episodes that may include symptoms such as high energy, reduced need for sleep, and loss of touch with reality. Conversely, depressive episodes may include symptoms such as low energy, low motivation, and loss of interest in daily activities. Mood episodes can last days or months at a time and may also be associated with suicidal thoughts. As with the applicant, these intense fluctuations in mood, make it nearly impossible to accomplish even mundane tasks.

k. Currently, the applicant is struggling with the difficulties associated with his condition. He has attempted to complete his coursework at DePaul University but was ultimately unsuccessful. In addition, he has struggled to keep a job during this period. Since separation in March of 2020, the applicant has lived at home, unable to complete college, hold a full-time job, or support himself in any meaningful capacity.

l. Clinical Psychologist Dr. P- G-, Ph.D., has treated the applicant for over 30 individual therapy sessions since June 2020 as well as other family counseling sessions. Dr. P- G- details the applicant's history and progression of emotional and cognitive disorders. Dr. P- G- notes that initially the applicant's treating psychiatrists "failed to observe the applicant's mania...and therefore did not prescribe a mood stabilizer to help with his mania." Currently, the applicant is prescribed Lamictal (a mood stabilizer) to treat his ongoing bipolar disorder. Dr. P- G- goes on to detail that the applicant has received the following diagnoses:

- Bipolar I Disorder, current episode manic, with psychotic features
- ADHD, combined presentation
- Generalized Anxiety Disorder

j. According to Dr. P- G-, it appears that two significant psychological events, during his first semester of his senior year at West Point triggered the onset of the applicant's bipolar symptoms. First, the applicant experienced a breakup with his girlfriend of six years. Second, he was informed that his grandmother had been diagnosed with dementia. Both triggering events were noted by the applicant during his response to the separation proceedings. Therefore, in Dr. P- G-'s medical opinion, "the problems the

applicant was exhibiting at West Point that resulted in his dismissal were directly tied to the psychological problems I have described."

k. While the full extent of the applicant's mental health condition was not known, at the time of separation, the evidence as to its onset during his senior year is apparent from his record. For example, during his separation proceedings, it was noted that "based on his deteriorating performance, one might think the applicant is struggling with external stresses, possibly family issues. However, the applicant has not mentioned any family struggles, when asked during counseling."

l. Several external factors dissuaded the applicant from seeking formal mental health treatment including the stigma of mental illness for members of the military. However, following his separation in March 2020, the applicant has received extensive treatment for his underlying conditions. At the time of separation, the Academic Board was not afforded the full context of the applicant's condition contributing to his academic struggles. Moreover, the applicant's previous three years of successful coursework demonstrate that, without the onset of the symptoms, the applicant was more than a capable cadet. For these reasons, the applicant seeks correction of his military records by the Board with the full consideration of his now known medical condition.

m. As previously stated, at the time of separation, the Academic Board did not have the benefit of the applicant's complete medical diagnosis. In reality, the applicant was suffering from an undiagnosed and debilitating condition. While the events triggering the onset of the applicant's conditions were highlighted by the applicant (relationship breakup; and grandmother's dementia diagnosis), the extent of the underlying conditions were not yet apparent, even to the applicant.

n. In the time since his separation, a complete picture of these conditions has become clear. In fact, the record demonstrates the applicant's desire to continue at West Point despite such difficulties. However, the severity of his condition would have made such retention impossible and warrants relief from this Board regarding the debt currently owed. Anything short of remission in this circumstance would constitute an injustice.

o. The applicant's diagnosis is a factor exclusively out his control. For example, it is well established that bipolar disorder is a "biologically based syndrome that people are born with." The applicant was genetically predisposed to bipolar disorder given the strong genetic indicators on the maternal side of his father's family history.

p. The applicant should not be punished for his inflection. The applicant will likely struggle with the symptoms of his condition for the rest of his life. Subjecting him to insurmountable debt before even getting a chance to get his footing in life would constitute an injustice that is not consistent with the Army's best interest for a cadet who

dedicated three years to the Military Academy, wanted deeply to graduate from West Point and serve his country just as his father had, and was separated for factors outside of his control.

q. As for hardship, the applicant's mental health condition is currently prejudicing his ability to finish his education, maintain employment and otherwise support himself. As documented, the applicant currently has limited financial assets, income, or other means to support himself financially. Requiring repayment for educational costs, which the applicant has not been able to receive a benefit from, creates an undue hardship considering the applicant's condition, and its impact on his ability to work and financially provide for himself.

4. The applicant, through his attorney provides the following documents:

a. Exhibit 1: DD Form 214, which shows in block:

(1) 2 (Department, Component and Branch) Army-USMA-Cadet.

(2) 6 (Reserve Obligation Termination Date) 10 March 2023.

(3) 7a (Place of Entry into Active Duty) West Point, NY.

(4) 8b (Station where Separated) USMA West Point, NY.

(5) 9 (Command to which Transferred) U.S. Army Reserve (USAR) Control Group (Individual Ready Reserve).

(6) 12 (Record of Service):

- a. (Date Entered Active Duty This Period): 27 June 2016
- b. (Separation Date this Period): 5 March 2020
- c. (Net Active Service this Period): 3 years, 8 months, and 9 days

(7) 18 (Remarks) item 12c includes service as a USMA Cadet from 27 June 2016 to 5 March 2020. Service is not creditable for any purpose in commissioned officer status.

(8) 23 (Type of Separation) Released and ordered to active duty in another status.

(9) 24 (Character of Service) Honorable.

(10) 28 (Narrative Reason for Separation) Academic.

b. Exhibit 2: Memorandum, Subject: Academic Separation for Applicant, dated 11 February 2020, states:

(1) The Academic Board's recommendation to separate the applicant from USMA for academic deficiency is approved pursuant to AR 150-1, paragraphs 7-15 and 8-2c. On or about 7 January 2020, the Academic Board determined the applicant was deficient in LC475, SS372, and MD401. On or about 23 January 2020, the applicant submitted matters for the Academic Board's reconsideration. On or about 27 January 2020, the Academic Board reviewed the applicant's matters and denied his petition for reconsideration. There is no other basis for separation for the applicant other than academic deficiency, at this time.

(2) The applicant will be separated from USMA, transferred to the USAR and ordered to active duty in the grade of E-4 for three years pursuant to AR 150-1, paragraph 8-2 and Table 8-2 (Rule 6). The applicant entered USMA from a civilian status and has no prior service obligation.

c. Exhibit 3: Letter from the Department of the Treasury Bureau of the Fiscal Service, dated 4 May 2022 which shows the applicant owed the U.S. Government \$307,459.96. DFAS referred his unpaid debt to the U.S. Department of the Treasury, Bureau of the Fiscal Service for immediate collection.

d. Exhibit 4: Letter from the applicant's clinical psychologist, dated 5 April 2022, which states:

(1) He was asked by the applicant's parents to write a statement on behalf of the applicant regarding how his issues with mental illness affected both his behavior and academic performance, while he attended USMA. To date the doctor had met with the applicant 30 times in individual psychotherapy since 5 June 2020. He also met with the applicant and his parents for family therapy and had met alone with the applicant's parents for consultations regarding the applicant's psychological issues.

(2) In these conversations, with the applicant and with his parents, the doctor had come to learn much about the applicant's history and the development of his emotional and cognitive disorders. The doctor understood the applicant was observed to be highly intelligent, as a young child. He was also seen as a very energetic boy who had difficulty focusing and staying on task in school. Over time, his teachers suggested that his parents might want to consider having the applicant tested for ADHD. Since the applicant was still able to manage his academic responsibilities successfully and his parents were not interested in having him put on medication even if he tested positive for ADHD, they declined this suggestion.

(3) As the applicant entered high school, he began showing greater levels of impulsivity, a shorter temper, emotional outbursts, and risk-taking behaviors. While problematic for the family, his parents perceived this to be some sort of adolescent and perhaps hormonal-based phase of his development. During high school, the applicant was evaluated for ADHD by a child psychologist and was found to indicate positive for ADHD. He was not medicated, and mental health services were not sought for his attentional and behavior problems as his parents did not deem it necessary - a decision now regretted by his parents.

(4) His parents believed that the structure provided by West Point would be sufficient to help the applicant stay focused and in control behaviorally. This expectation was not realized. He quickly earned over 150 "walking hours" for impulsive behavior, being late, and poor grades. At this point, the applicant's parents approached the applicant with the suggestion of getting counseling for these problems. The applicant's response was seeking mental health support would be frowned upon at West Point and might even be grounds for dismissal. He did not want to fail and pledged to work even harder to recover from these problems.

(5) During a visit to West Point in the fall of the applicant's last semester, a couple of the applicant's friends shared their concerns with his parents that the applicant seemed depressed. However, when the applicant was approached by his parents about this concern, the applicant denied being depressed and assured his parents that he had everything under control. In fact, though, the applicant had become severely depressed, stopped going to class or doing academic work and had difficulty even getting out of bed. His anxiety about the realization that everything in his life was collapsing around him even added to his shut down. Soon a decision was made at West Point to separate the applicant as a cadet.

(6) Since leaving West Point, the applicant continued with his struggles both academically and behaviorally. He enrolled at DePaul University where he failed to complete classes in five out of the six quarters/attempts, all for the same psychological reasons.

(7) The doctor became involved in treating the applicant in June of 2020, after he left West Point. The applicant's lack of ability to use the concepts and tools they discussed to improve his life resulted in a referral to a psychiatrist for medications. He was put on Adderall for his ADHD and Zoloft for his depression. This psychiatrist failed to observe the applicant's mania, however, and therefore did not prescribe a mood stabilizer to help with his mania. Now, he sees a different psychiatrist who has seen the applicant's mania and has prescribed Lamictal to treat it.

(8) The reason the doctor mentioned the last part was to demonstrate that the applicant's psychological problems absolutely required that he be on an appropriate

medication for him to manage his issues effectively. The applicant has bipolar I Disorder, current episode manic, with psychotic features; ADHD, combined presentation; and generalized anxiety disorder.

(9) It is well known and accepted that the first two are biologically based syndromes that people are born with and do not develop until later in life due to stress, traumatic experiences, or pathological living environments. The neurology of these symptoms is in place at birth but may not manifest until a later point in time when conditions or psychological events trigger the observable emergence of these syndromes.

(10) The applicant's ADHD was observed early in his schooling as distractibility but was not intense enough to cause a significant disruption of his academic performance. He simply had enough innate intellectual ability to brain power his way through academics until his academic responsibilities became sufficiently challenging, as they did at West Point. Not only did his ADHD begin to interfere with his academic performance, but his bipolar symptoms emerged as well. It appears that two significant psychological events occurred, during his first semester at West Point that may have triggered his bipolar symptoms to manifest. First, he broke up with his girlfriend of six years. Second, he was informed that his grandmother had been diagnosed with dementia.

(11) It was the doctor's opinion that the problems the applicant was exhibiting at West Point that resulted in his dismissal were directly tied to the psychological problems the doctor described.

e. Exhibit 5: Letters of nomination to USMA, which state:

(1) From the applicant's Congressman, thanking the applicant for pursuing a nomination to USMA. The Congressman nominated the applicant to USMA. The entire letter is available for the Board's consideration.

(2) A letter from a teacher in the Social Studies Department of the applicant's high school, states the applicant had been involved in numerous extracurricular activities and leadership roles. The applicant was able to balance these commitments with music and athletic extracurricular activities as well. The applicant was someone who was intrinsically motivated and worked beyond the norm. He did the right thing, even when no one was watching. The entire letter is available for the Board's consideration.

(3) A letter from the applicant's guidance counselor, states he recommended the applicant for admission to USMA. The applicant was a well-rounded person who thrived

as a student, athlete, and vocalist during his high school years. The entire letter is available for the Board's consideration.

f. Exhibit 6: Transcript of Academic Record, dated 5 March 2020, which shows the applicant's grade when he was separated from USMA. The transcript is available for the Board's consideration.

g. Exhibit 7: Memorandum, Subject: Applicant's Academic and Military Deficiencies, dated 6 January 2019, from the applicant, states:

(1) The purpose of the memorandum was to present matters to the Academic Board pertaining to his academic and military performance throughout the academic year 20-1 semester.

(2) Throughout the semester, the applicant did not perform at a sufficient level for what was expected of a USMA cadet. During his free time each day, he did not devote enough time to academics. At many points throughout the semester, he spent time communicating with his grandmother, who had been diagnosed with dementia, which caused her memory to rapidly deteriorate. The applicant talked to his grandmother as often as he could; the more he learned about her fading health, the more he became worried for her. The applicant eventually found himself unable to focus on his own responsibilities. There were many days, during this semester, where he would not leave his room for anything except class and Glee practice. It was extremely difficult for him to work, converse with his friends, or be his usual self. All he could think about was his grandmother's wellbeing. He did not handle his emotional problems in a healthy manner. He kept his concerns to himself and refused to seek out help. He realizes that he was not dealing with his stress in a productive manner. He failed to address his emotional and academic problems until it was too late. Despite the applicant's concerns for his grandmother, he knew he was at fault for not taking advantage of the personal and academic resources that West Point has to offer.

(3) Moving forward, the applicant was going to address his emotional and academic issues in a constructive manner. He would attend the Center for Personal Development (CPD) and seek professional help in order to overcome the struggles he had been facing. CPD had helped several of his friends in the past, and he knew that using this resource would benefit him in the long run. As far as academics, he would rework his daily schedule and devote a sufficient amount of time each day to his classes. He knew that he had a lot of room for improvement, when it came to organization and time management. If he followed the plan that he had laid out for the upcoming semester, he was confident that his academic performance would be better than it had ever been. If necessary, he was willing to sacrifice extracurricular activities in order to give himself enough time to fully prioritize his classes. He understood that his academics were far more important than his position in the Glee Club or any other

extracurricular activity. Additionally, his Tactical (TAC) Officer had laid out a thorough plan for how he would conduct his military responsibilities within the company that semester. He would follow every step of his TAC Officer's plan and conduct his job in a manner that benefits his company.

h. The applicant's Memorandum, Subject: Appeal to the Academic Board, dated 23 January 2020, states:

(1) The purpose of the memorandum was to request retention at USMA to repeat coursework in any Chinese elective available through the summer's Academic Individual Advanced Development (AIAD) program or offered during academic year 21-1.

(2) Regarding his inadequate performance during academic year 20-1, he asks that mitigating physical and emotional circumstances (pneumonia just prior to term end; girlfriend of five years letting him know she did not want the Army life and therefore, marriage; last surviving grandparent struggling with dementia and taking a bad fall) and manageable personal developmental needs (organization, time management) be taken into consideration and accepted as sufficient context for granting his request. He acknowledges that several instructors and fellow cadets reached out to him and attempted to provide help. Pride, ego, and denial kept him from accepting support. He realized he was not dealing with his stress in a productive manner. The first of many developmental lessons he was learning for this situation was to use his support network when needed (and there would be times of need) and doing so was not a sign of weakness. With that being said, the applicant owned the situation. It was of his own making, and he offered these points as context, not excuses.

(3) An officer in the U.S. Army must possess the maturity to manage oneself smartly, use all available resources, and the grit to persevere through adversity. Soldiers' lives and their families' wellbeing depended on and deserve such leaders. He followed his father to West Point to develop these traits, and he was determined to do exactly that.

(4) The applicant went over his plan for addressing the issues, achieving his goals of personal development, graduation from West Point, and becoming an officer worthy of leading Soldiers in the Army.

(5) He would regularly attend the CPD. He had attended two sessions on 13 January 2020 and 23 January 2020. CPD was an excellent resource that would help him develop both personally and emotionally, and more constructively manage pride and ego. He would attend CPD at least once every two weeks.

(6) He would execute better time management and continue the study habits that he used, during his first three years as a cadet. Before his last semester, he had never failed a class at West Point. In order to assure that he was successful during Academic Year 20-2, he was using his calendar on his phone and computer, as well as his daily planner to ensure he did not miss any deadlines. He was doing this constantly versus occasionally.

(7) The applicant would attend the Center for Enhanced Performance (CEP) in order to hold himself accountable for his academic plan and organizational habits. He had attended one session and would attend CEP at least once every two weeks to ensure that he executed his plan for the 20-2 semester. This had already improved his performance.

(8) The applicant would attend mandatory AI for any class in which he had an 80 percent or below. This would allow him to identify any areas of academic weakness and improve upon them proactively. He would not allow himself to fall behind on any academic responsibilities.

(9) He would carry out his in-company military responsibilities in an organized and efficient manner. Before academic year 20-1, his average MD grade was a B. He received a B for the summer of 2019 CLDT. He had always taken his performance as a company leader very seriously. His Company TAC Officer had outlined a very specific plan for his job that semester. He would follow the plan and execute his job to the fullest extent.

(10) Because he failed LC475 he was still in need of another Chinese elective in order to graduate. He had already taken every class offered that semester, so there was no class available that would allow him to meet his graduation requirements. If the Academic Board sees him worthy of further development and chose to retain him, he would like to complete the requirement via an AIAD that summer and begin his Army career in August. However, he would enthusiastically remain at West Point until December of 2020 or May of 2021, if given the opportunity.

(11) He asked the Academic Board to know he sincerely regretted his actions and had learned from his mistakes. The applicant was committed to using this experience to improve himself, become a better leader, be an exceptional officer in the United States Army and fulfill his goal of a lifetime or selfless service to our nation.

i. Exhibit 8 - A letter from a Licensed Clinical Social Worker, dated 20 February 2020, states:

(1) The applicant saw him for a mental health appointment on 6 February 2020. The applicant presented with issues of depression, primarily due to recently being

separated from West Point due to some academic issues that occurred in the first semester of this, his final year as a cadet. The applicant had not seen this separation coming and was overcome with the sense of loss of not completing his 4th and final year as a cadet in USMA. He was unable to share the profound loss with his parents right after the final word of his dismissal came. Though he had a good support structure with his nuclear family, he felt the need to speak with the social worker in greater depth about his feelings of loss, abandonment, and depression.

(2) It was also evident to the social worker that the applicant also struggled with what seemed to be Attention Deficit Disorder (ADD) or ADHD. The applicant did say it had challenged him at times with his intense academic work over the past four years, without taking any medication. However, the applicant was able to manage the bulk of his academic work with outstanding grades nonetheless, with the exception of the first semester of the 2019-2020 academic year. Some related issues with a potential change in the status of a long-term romantic relationship had an impact in his performance as well, that may in part, have led to his two academic failing grades that instigated separation from the academy.

(3) The social worker referred the applicant to further psychiatric evaluations, primarily to see if he was a candidate for medications for ADD.

j. Letter from Dr. J- G-, dated 19 Oct 2020 states the applicant was under the doctor's care for ADHD.

k. Letter from Dr. P- G-, dated 22 June 2021, states he had been seeing the applicant since 5 June 2020 and had 24 sessions to date. The applicant initially sought counseling due to intense and debilitating feelings of depression and chronic anxiety that had created problems for him academically and socially. He was diagnosed with major depressive disorder, recurrent episode, severe and generalized anxiety disorder. The applicant was working with the doctor on a weekly basis and was also seeing a psychiatrist for psychotropic medication. The applicant was making steady progress in understanding the origin and nature of these conditions and ways to manage these emotions more effectively. At the point of the letter, the applicant's prognosis was seen as good. Relative to the applicant's academic struggles, there was no doubt that the applicant's depression and anxiety played a major role in his inability to complete academic coursework.

l. Exhibit 9 - The applicant's unofficial transcript from DePaul University printed on 23 January 2023, which shows the applicant's grades and is available for the Board's consideration.

m. Exhibit 10 - The applicant's USMA Cadet Record Brief, which shows the applicant's Periodic Development Review, Military Grade, Army Physical Fitness Test

Scores, Cadet Activity, Conduct Record, Offense Detail, and TAC Comments. The entire document is available for the Board's consideration.

n. Exhibit 11 - The applicant's diagnosis and treatment plan, shows the applicant was diagnosed with bipolar disorder, current episodic, with open psychotic features moderate and ADHD predominantly inattentive type. The entire document is available for the Board's consideration.

5. MEDICAL REVIEW:

a. Background: The applicant is requesting that his Honorable discharge be modified to clear his current tuition charges from his cadet time spent at West Point. He noted, "while attending USMA, during my senior year I experienced the onset and acceleration of mental illness which caused a breakdown in my ability to function. Subsequently, I was separated for academics. I have since been clinically diagnosed and am under the care of a physician. However, DFAS is attempting to collect tuition reimbursement even though I was never properly diagnosed or treated while attending West Point."

b. The specific facts and circumstances of the case can be found in the service record documents, as the ABCMR Record of Proceedings (ROP) was not available. Below is a summary of information pertinent to this advisory.

- Applicant was accepted in the Regular Army military academy (USMA) at West Point on 27 Jun 2016. He was awarded the National Defense Service Medal.
- On 11 Feb 2020, the Academic Board recommended for applicant's separation from USMA at West Point due to "academic deficiency." The Board noted, "There is no other basis for separation for Cadet Burns other than academic deficiency at this time." A transfer to the Army Reserve and subsequently the active Army was also recommended.
- The applicant's separation documents were available for review. In addition, the applicant's service record included his DD Form 214 (Report of Separation from Active Duty), indicating that he was rendered an Honorable discharge with narrative reason for separation, "Academic" on 05 Mar 2020.

c. The Army Review Boards Agency (ARBA) Behavioral Health (BH) Advisor reviewed this case. Documentation reviewed included the applicant's completed DD Form 149, his Personal Statement, DD Form 214, as well as documents from his service record. The VA electronic medical record and DOD health record were reviewed through Joint Longitudinal View (JLV).

d. This applicant asserted that “other mental health” issues were mitigating factors in his discharge. He also contends the onset of his behavioral health symptoms contributed to his decline with academic performance. His service record and supporting documents did contain some records pertinent to his behavioral health conditions. The Law Office of ██████████ PLLC noted, “over the course of his three successful years at West Point, ██████████ proved he was intellectually and physically capable of meeting the demanding standards at the academy. The onset of his mental health disorders contributed to his academic performance deficiencies, ultimately resulting in his separation. These same afflictions have since prevented him from completing his education, gaining employment or living on his own, present a financial hardship which renders ██████████ unable to repay such debt.” A clinical social worker at Barrington Behavioral Health and Wellness (20 Feb 2020) observed, ██████████ saw me for a mental health appointment on February 6, 2020. ██████████ presented with issues of depression, primarily due to recently being separated from West Point due to some academic issues that occurred in the first semester of this, his final year as a cadet... Though he has a good support structure with his nuclear family, he felt the need to speak with me in greater depth about his feelings of loss, abandonment and depression. It was also evident to me that applicant also struggled with what seems to be ADD or ADHD (Attention Deficit Disorder). He did say that it had challenged him at times with his intense academic work over the past four years, without taking any medication.” He was referred to a psychologist who met with him for multiple sessions and diagnosed him with Major Depressive Disorder, Recurrent and Generalized Anxiety Disorder. A letter from another psychologist (05 Apr 2022) noted, “applicant had become severely depressed, stopped going to class or doing his academic work and had difficulty even getting out of bed. His anxiety about the realization that everything in his life was collapsing around him even added to his shut down. Soon a decision was made at West Point to ‘separate’ ██████████ as a cadet.” The psychologist reported 30 clinical sessions with applicant, and diagnoses of “Bipolar I Disorder, current episode manic, with psychotic features; Attention-Deficit/Hyperactivity Disorder, combined presentation; and Generalized Anxiety Disorder.” Based on this documentation in its entirety, there is evidence the applicant was diagnosed and treated for mitigating conditions that originally occurred during and with ADHD before his time in service.

e. Per the applicant’s VA EHR, he is not service connected for any medical or behavioral health concerns. There were 16 outpatient encounter notes in JLV. The final entry, Separation Physical Part 2 (20 Feb 2020) indicated, “depression/anxiety: going to see psychiatry for evaluation and treatment in March 2020 paperwork completed with psych referral given to ██████████ for continued follow-up.”

f. In summary, although he is not service connected for any behavioral health conditions, there is considerable documentation he has been treated for Bipolar and

ADHD by independent behavioral health providers which was experienced during applicant's time in service. Consequently, after reviewing the application and all supporting documents, it is the opinion of this Agency Medical Advisor that there is sufficient evidence of mitigating conditions (Bipolar and ADHD) that significantly contributed to his substandard academic performance at West Point, particularly during his fourth year of studies. Adequate documentation was provided in the supporting documents and a JLV separation physical to support the contention that the applicant had experienced these conditions during his time in service.

Kurta Questions:

(1) Does any evidence state that the applicant had a condition or experience that may excuse or mitigate a discharge. Yes, he experienced Bipolar and ADHD conditions contributing to his substandard academic performance while still on active duty that was subsequently identified by independent behavioral health providers.

(2) Did the condition exist or experienced occur during military service? Yes, there is considerable evidence he initially encountered a Bipolar condition while on active duty, as well as an ADHD condition before his time in the Army that escalated during his active duty period at Westpoint.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes, it mitigates for his substandard academic performance as Bipolar and ADHD are often associated with the emergence or escalation of declining academic performance.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board through counsel carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records, and legal counsel's guidance, the Board concurs with the opinion of the Agency Medical Advisor that there is sufficient evidence of mitigating medical conditions—specifically bipolar disorder and ADHD—that significantly contributed to the applicant's substandard academic performance at the U.S. Military Academy, particularly during his fourth year of study. The opinion concluded that the documentation provided, including supporting medical records and a Joint Legacy Viewer (JLV) separation physical, substantiates the applicant's assertion that he was affected by these conditions while in service.

2. The Board determined there is sufficient evidence of in-service mitigating factors present in this case that warrant remission of the applicant's USMA tuition repayment obligation. It was further determined that the sole basis for the applicant's separation

was academic deficiency, and there was no other disqualifying condition identified at the time. While a transfer to the Army Reserve, and subsequently to active duty, had been recommended, the Board notes that the applicant did not pursue such transfer due to his mental health diagnoses. A professional medical assessment advised that continued service would not be in the best interest of the applicant or the Army. This conclusion was supported by the applicant's performance in his final semester and medical documentation outlining the necessity of ongoing therapy, medication, and personal development as part of his now daily life. In light of the Agency Medical Advisor's findings, and the totality of evidence in the applicant's record, the Board grants relief for remission of the USMA debt in the amount of \$307,459.96.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

XX	XX	XX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by notifying DFAS that the applicant's debt in the amount of \$307,459.96 has been remitted due to unfitness for active-duty service.

 X //signed//

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Army Regulation (AR) 600-4 (Remission or Cancellation of Indebtedness) provides policy and instructions for submitting and processing packets for remission or cancellation of indebtedness to the U.S. Army. Requests for remission or cancellation of indebtedness must be based on injustice, hardship, or both. A Soldier's debt to the U.S. Army may be remitted or canceled on the basis of this regulation in cases arising from debts incurred while serving on active duty or in an active status as a Soldier.
2. AR Regulation 150-1 (USMA Organization, Administration, and Operation), provides policy and procedures for the general governance and operation of the USMA. It states:

a. Cadets who are deficient in the Academic Program, in military science or physical education courses, or in Military Development may be separated from the Academy or subject to remedial action.

b. Cadets who resign from the USMA or who are separated from the Academy under the procedures contained in table 8-1 will be deemed to have breached their service agreement.

Figure 8-6. Required format for resignation in lieu of court-martial—Continued

Table 8-1 Examples of separations deemed to be a breach of service contract		
Nature of separation	Standards	Procedures
Conduct deficiency	Paragraph 6-6	See local regulations and paragraph 6-6
Misconduct	Paragraphs 6-7 through 6-16	See local regulations and paragraph 6-17
Honor	Paragraph 6-7	See local regulation and paragraph 6-7
Marriage or support obligation	Paragraph 7-3	Paragraph 7-3c
Conscientious objection or refusal to perform duties that conflict with religious practices	Paragraph 7-4	See AR 600-20 and paragraph 7-4 of this regulation
Extended unauthorized absence	Paragraph 7-5	Paragraph 7-5
Failure to meet Army weight and body composition standards or make satisfactory progress in a body composition program in accordance with AR 600-9	Paragraph 7-8	AR 600-9 and paragraph 7-8 of this regulation
Failure to maintain physical fitness standards in accordance with AR 350-1	Paragraph 7-9	AR 350-1 and paragraph 7-9 of this regulation
Academic, military, physical, or character development program deficiency	Paragraph 7-16	Paragraph 7-16

//NOTHING FOLLOWS//