

IN THE CASE OF: ██████████

BOARD DATE: 14 December 2023

DOCKET NUMBER: AR20230005131

APPLICANT REQUESTS: the narrative reason of personality disorder be removed from her DD Form 214 (Certificate of Release or Discharge from Active Duty).

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

- DD Form 149 (Application for Correction of Military Record)
- ABCMR letter, dated 28 February 2002
- DD Form 214
- Register Nurse License
- thank you note (civilian, professional)
- Master of Business Administration certificate
- Bachelor of Science in Nursing certificate
- Professional Certificate
- Performance Rating (Civilian)
- resume

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states she has never been diagnosed with a mental health disorder outside of this one time. She is gainfully employed and productive. She was diagnosed just prior to discharge while serving in the military without a second opinion. She served in Desert Shield/Desert Storm and never received any disciplinary action during her time in the Army. She does not receive any benefits for a mental health diagnosis either. She also received an honorable discharge. She has attached supporting documentation as evidence to support her request. She is respectfully requesting this diagnosis be removed from her DD Form 214.
3. The applicant enlisted in the Regular Army for a period of 4 years on 23 August 1990.

4. The applicant completed her required training and was awarded military occupational specialty (MOS) 71L (administrative specialist).
5. She served in Saudi Arabia in support of Operation Desert Storm from 14 February 1991 to 15 May 1991. She was assigned to Germany from 22 June 1991 to 26 February 1993. She was reassigned to Fort Bragg, NC effective 1 March 1993.
6. A DA Form 3822-R (Report of Mental Status Evaluation), dated 29 March 1993, shows the applicant was being considered for discharge because of personality disorder. The report shows her behavior was passive. She was fully alert and oriented. Her mood was anxious. Her thinking process was clear with normal thought content and good memory. She was found to meet the retention requirements of Chapter 3, Army Regulation (AR) 40-501 (Standards of Medical Fitness). Remarks states:

This soldier was evaluated on referral from CORFIT. Based on this evaluation, the diagnostic impression is that of an Avoidant Personality Disorder within the meaning of AR 635-200, (Personnel Separations - Enlisted Personnel) chapter 5-13 and the Diagnostic and Statistical Manual (DSM) III-R. Further retention of this soldier will likely create additional management problems for the Commander. Recommend administrative separation.
7. A letter of intent dated 1 April 1993 shows the applicant was evaluated as having a personality disorder. She was counseled regarding her separation procedures which were to commence upon receipt of a completed physical.
8. On 2 April 1993, the applicant was notified action had been initiated to separate her because of personality disorder based on her mental status evaluation. She was advised of her right to consult with counsel, submit a written statement on her own behalf, to obtain copies of documents that would be sent to the separation authority, and to waive these rights. She acknowledged receipt of the notification the same day.
9. On 2 April 1993, the applicant's commander recommended her for separation for personality disorder with an honorable character of service.
10. On 15 April 1993, the applicant underwent a separation medical examination. Her Standard Form (SF) 93 (Report of Medical History) shows she reported she was in good health with a history of skin rashes due to stress, foot trouble and depression or excessive worry. The corresponding SF 88 (Report of Medical Examination) shows her diagnosis of avoidant personality disorder and shows she was qualified for separation.
11. The applicant was formally counseled on 6 May 1993 concerning her diagnosis and consequences of being administratively separated. She was advised her separation

may affect civilian employment, Veteran's benefits and future service in the Armed Forces.

12. On 6 May 1993, her intermediate commander recommended her for separation with an Honorable Discharge Certificate.

13. On 14 May 1993, the separation authority approved her honorable discharge in accordance with AR 635-200, chapter 5.

14. On 27 May 1993, the applicant was honorably discharged under the provisions of AR 365-200, paragraph 5-13 for personality disorder. She was credited with 2 years, 9 months, and 5 days of net service this period.

15. The applicant applied to the ABCMR requesting this correction on 15 August 2001. She was advised on 30 November 2001 and 28 February 2002 that her request was premature and she needed to request review of her discharge by the Army Discharge Review Board (ADRB). There is no evidence she applied to the ADRB.

16. The applicant provided documentation of her civilian career in nursing, including her completion of education, performance, and résumé.

17. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting the narrative reason of personality disorder be removed from her DD Form 214 (Certificate of Release or Discharge from Active Duty).

b. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following: 1) The applicant enlisted in the Regular Army on 23 August 1990; 2) A DA Form 3822-R (Report of Mental Status Evaluation), dated 29 March 1993, shows the applicant was being considered for discharge because of personality disorder. She was diagnosed with a personality disorder and recommended for administrative separation; 3) On 27 May 1993, the applicant was honorably discharged, Chapter 5-13 for personality disorder.

c. The Army Review Boards Agency (ARBA) Behavioral Health (BH) Advisor reviewed the supporting documents and the applicant's military service and available medical records. The VA's Joint Legacy Viewer (JLV) was also examined.

d. The applicant is requesting the narrative reason of personality disorder be removed from her DD Form 214. There is evidence the applicant was seen for a Mental Status Evaluation on 29 March 1993. There was insufficient evidence in regard to the

circumstances which promoted this evaluation and corresponding recommendation to the applicant's command. The applicant was identified as anxious and passive, and she was diagnosed with an Avoidant Personality Disorder. As a result, she was recommended for an administrative discharge for a personality disorder. There was insufficient evidence provided on the method of evaluation or information provided to make the diagnosis. There was no recommendation for further treatment, and there was insufficient evidence the applicant attended any behavioral health treatment on active service. A review of JLV was void of behavioral health documentation, and the applicant does not receive any service-connected for a behavioral health condition.

e. Based on the available information, it is the opinion of the Agency BH Advisor that there is insufficient evidence the applicant was properly evaluated for a personality disorder, and she was discharged without sufficient evidence to support an administrative separation for a personality disorder. It is recommended the narrative reason of her discharge be changed to Secretarial Authority.

Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? No, there is insufficient evidence the applicant was properly evaluated for a personality disorder, and she was discharged without sufficient evidence to support an administrative separation for a personality disorder. It is recommended the narrative reason of her discharge be changed to Secretarial Authority.

(2) Did the condition exist or experience occur during military service? NA

(3) Does the condition experience actually excuse or mitigate the discharge? NA

BOARD DISCUSSION:

The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board concurred with the conclusion of the ARBA BH Advisor that the evidence indicates the applicant was not properly evaluated for a personality disorder and there was an insufficient basis upon which to discharge her for that reason. Based on a preponderance of the evidence, the Board determined the reason for the applicant's discharge should be changed to Secretarial authority.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| █ | █ | █ | 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 reissuing her DD Form 214 to show the following entries:

- item 25 – AR 635-200
- item 26 – JFF
- item 27 – 1
- item 28 – Secretarial authority

2/15/2024

X █

CHAIRPERSON

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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. Title 10, United States Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. AR 635-200 (Personnel Separations - Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel. Paragraph 5-13, of the regulation in effect at the time of the applicant's separation, states a Soldier could be separated for personality disorder (as determined by medical authority), not amounting to disability under Army Regulation 635-40 (Disability Evaluation for Retention, Retirement or Separation), that interfered with assignment to or performance of duty. The regulation required that the condition be a deeply-ingrained maladaptive pattern of behavior of long duration that interfered with the Soldier's ability to perform duty. The diagnosis must have concluded that the disorder was so severe that the Soldier's ability to function in the military environment was significantly impaired.

4. AR 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JFX" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, paragraph 5-13, personality disorder.

5. The SPD Code/RE Code Cross Reference Table shows that a Soldier assigned a SPD Code of "JFX" will be assigned a RE Code of 3.

//NOTHING FOLLOWS//