

IN THE CASE OF: ██████████

BOARD DATE: 31 January 2024

DOCKET NUMBER: AR20230007560

APPLICANT REQUESTS: in effect, the reconsideration of his previous request to correct item 11c (Reason and Authority) on his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) by removing the word "EPTS" (existed prior to service).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Three Department of Veterans Affairs (VA) Rating Decisions

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AC63-1879, on 5 February 1964.
2. The applicant states the reference to "EPTS" on his DD Form 214 should be deleted.
  - a. The applicant additionally contends his DD Form 214 should reflect that the Army assigned him to a mobile team within a communications detachment at Fort Bragg, NC (subsequently renamed Fort Liberty), that he qualified on the M-14 carbine (sic, rifle), and that his primary military occupational specialty (MOS) was 941.10 (Cook). Further, on 17 April 1961, he voluntarily participated in the Bay of Pigs operation with the 82nd Airborne Division, even though he was not airborne qualified.
  - b. Recently the VA authorized him to receive permanent compensation at the 100 percent rate; this decision was largely based on what was witnessed and verified by service information, which had not been included on his DD Form 214. Documenting the foregoing information would be uplifting for his children and grandchildren; in addition, it would better characterize the quality of his service for his association with the Disabled Veterans of America, the American Legion, and the VA medical staff, and ease his family's ability to pursue survivor benefits.

c. Some time ago, the applicant made a brief telephonic inquiry to try and verify his Bay of Pigs participation. The reply was dismissive and perfunctory; they told him the operation was classified.

d. Over time, the applicant's depressive disorder has impeded his ability to evaluate and pursue the foregoing matters; only after a lifetime of VA treatment was he able to file this application.

3. The applicant provides VA letters verifying a diagnosis of unspecified depressive disorder (formerly listed as schizophrenic reaction, undifferentiated type, competent), and showing that, effective 4 October 2022, the VA increased the applicant's disability rating to 70 percent. On 31 March 2023, a VA rating decision granted the applicant's entitlement to individual unemployability and basic eligibility for Dependents' Educational Assistance, based on permanent and total disability status. The applicant additionally submits the following:

a. Letter from the applicant to the VA, dated 9 April 2014, in which he requests VA reevaluate his disability rating after verifying the below-cited information.

(1) The applicant noted his DD Form 214 was missing his qualification on the M-14 carbine (sic) and did not reflect his assignment to a mobile communications team at Fort Bragg; additionally, the DD Form 214 failed to reflect that he had voluntarily participated in the aborted 82nd Airborne Division mission to support of the Bay of Pigs operation. He nonetheless had found a reliable witness, Mr. [REDACTED], who was assigned with the applicant at Fort Bragg; the applicant provided Mr. [REDACTED] contact information.

(2) The applicant went on to state:

- On 17 April 1961, Mr. [REDACTED] helped load the plane at Pope Air Force Base, and he witnessed the applicant wearing battle dress with his M-14 carbine (sic) and bandoliers of ammunition; the applicant and the rest of his mobile communications team were poised for an airborne assault
- Some of the planes took off and, as the applicant's plane sat on the runway warming up, the mobile communications team received the order canceling the mission

b. Letter from the applicant to the Board, date d20 April 2023, wherein he cited his 9 April 2014 letter to the VA.

(1) The applicant points out that, as a result of his 9 April 2014 letter, the VA changed his diagnosis from a schizophrenic reaction to depressive disorder; also subsequent to his letter, the VA increased his disability rating from 10 to 50 percent. In

2022, the VA increased his disability rating to 70 percent; then, in 2023, it granted him the status of being totally and permanently disabled.

(2) The applicant declared that the testimony provided in the 9 April 2014 letter validated his contention that he had been assigned to a mobile communications team and voluntarily participated in the 82nd Airborne Division's assault operation for the Bay of Pigs. Further, the applicant maintained he had qualified on the M-14 so that he could serve as security for his team. The applicant added that, in peacetime, those with non-critical military occupational specialties (MOS) had to volunteer for hazardous duty.

4. A review of the applicant's service record reveals the following:

a. On 23 August 1960, the Army of the United States (AUS) inducted the applicant for a 2-year term of active duty. Upon completion of initial entry training and the award of MOS 941.10, orders assigned him to detachment under the U.S. Army Communications Agency and located at Fort Bragg. He arrived at his new unit, on 6 January 1961.

b. On 17 April 1961, Brigade 2506 (a Central Intelligence Agency supported group of Cuban exiles) invaded Cuba, landing on beaches along the Bay of Pigs; the brigade came under immediate fire and, by 19 April 1961, Cuban forces had effectively routed the invaders, with the members of Brigade 2506 who survived either being captured by Cuban forces or escaping to the sea.

c. At some point prior to 25 January 1962, the applicant brought himself to the Fort Bragg emergency room; doctors there diagnosed him as having a schizophrenic reaction.

d. Walter Reed Army Medical Center (WRAMC) Hospital Transfer Orders, dated 1 February 1962, confirmed the applicant's hospitalization, as of 25 January 1962, and directed his reassignment to the WRAMC Medical Holding Detachment. Headquarters, U.S. Army Communications Agency (USACA) Special Orders announced that, on 20 October 1961, the applicant had qualified for the Marksman Marksmanship Qualification Badge with Carbine Bar (M-2).

d. On an unknown date before 10 April 1962, the applicant signed a request for discharge/release from active duty, due to physical disability. In the request, he stated:

(1) " I have been notified that, based on preliminary findings, I am considered unfit for retention in the military service because of a physical disability, which is considered to have existed prior to AUG (19)60, and which appears to be not incident to or aggravated by prior or subsequent military service."

(2) "It has been fully explained to me that I am entitled as a matter of right to the same processing as any other member of the AUS who is separated for physical disability. However, I do not elect to exercise this right."

(3) "It has been fully explained to me that, as a result of this application, and provided that the approved findings of a medical board corroborate the preliminary findings concerning my unfitness, I may be (discharged) (relieved from active duty) for physical disability without further hearing. I understand that such a separation will be without disability retirement or disability severance pay; however, it does not preclude my applying for benefits administered by the VA." (The approved medical board findings are not available for review).

e. On 10 April 1962, the AUS honorably discharged the applicant, per paragraph 33 (Separation for Physical Disability Which Existed Prior to Entry on Active Service), Army Regulation (AR) 635-40A (Personnel Separations – Physical Evaluation for Retention, Separation, or Retirement for Physical Disability). The reason cited in item 11c of the applicant's DD Form 214 is "Physical Disability – EPTS." His DD Form 214 additionally shows the following:

- Item 12 (Last Duty Assignment and Major Command) – Detachment Number 4, USACA, Fort Bragg, NC
- Item 24a (1) (Net Service This Period) – 1 year, 7 months, and 18 days
- Item 25a (Specialty Number and Title) – "941.10 Cook"
- Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) – Marksman Marksmanship Qualification Badge with Rifle Bar (M-2)

f. A review of the applicant's DA Form 24 lists the award of the Marksman Marksmanship Qualification Badge with Carbine Bar (M-2) and the Marksman Marksmanship Qualification Badge with Rifle Bar (no weapon specified). The form shows no entries for qualification on the M-14 rifle. Additionally, the applicant's available service record is void of any documentation showing that he participated in an aborted mission to support the Bay of Pigs operation.

g. Following correspondence between the applicant's mother and the Department of the Army's Office of The Surgeon General (OTSG), in which the applicant's mother questioned the applicant's discharge, the applicant petitioned the ABCMR, requesting the removal of "EPTS" from his Army records.

(1) In support of his request, he provided letters of support from his high school principal, his pre-service employer, and his family doctor; all affirmed they had observed no unusual behaviors.

(2) On 14 November 1963, a VA Adjudication Officer wrote the Board and acknowledged that, based on the applicant's initial claim, the VA had awarded a 100 percent disability rating for service connected-incurred schizophrenic reaction, undifferentiated type, effective 11 April 1962.

(3) On 24 January 1964, the OTSG provided an advisory.

(a) A review of the applicant's records revealed that, prior to his entry on active duty, the applicant's life was "characterized by withdrawal and (a) lack of spontaneity and interest." "He presented himself to the emergency room at Fort Bragg because he felt there was something wrong, and he was subsequently found to be schizophrenic. His schizophrenia was never severe and was in partial remission at the time of his separation, and he was considered mentally competent at that time. The subject's past history as set forth in the medical record provides a proper basis for a finding of LOD (line of duty) NO, EPTS."

(b) "The opinion is expressed that his mental illness existed prior to service, was not aggravated by service, and that a change in the record to reflect that his condition was incident to service rather than EPTS is not consistent with the medical evidence in the record."

h. On 5 February 1964, the Board determined the evidence was insufficient to warrant a correction to the applicant's records.

5. A review of the applicant's service record contains sufficient evidence to support he is eligible for awards that are not annotated on his DD Form 214 for the period ending 10 April 1962. This award will be added to his DD Form 214 as administrative corrections and will not be considered by the Board, to show it Item 26 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) -National Defense Service Medal (NDSM).

#### 6. MEDICAL REVIEW:

a. The applicant requests in effect, the reconsideration of his previous request to correct item 11c (Reason and Authority) on his DD Form 214 by removing the word "EPTS".

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 was inducted into the Army of the United States (AUS) 23 August 1960; 2) At some point prior to 25 January 1962, the applicant brought himself to the Fort Bragg emergency room; doctors there diagnosed him as having a schizophrenic reaction; 3) Walter Reed Army Medical Center (WRAMC) Hospital Transfer Orders, dated

1 February 1962, confirmed the applicant's hospitalization, as of 25 January 1962, and directed his reassignment to the WRAMC Medical Holding Detachment; 4) On an unknown date before 10 April 1962, the applicant signed a request for discharge/release from active duty, due to physical disability; 5) On 10 April 1962, the AUS honorably discharged the applicant, per paragraph 33 (Separation for Physical Disability Which Existed Prior to Entry on Active Service), Army Regulation (AR) 635-40A (Personnel Separations – Physical Evaluation for Retention, Separation, or Retirement for Physical Disability). The reason cited in item 11c of the applicant's DD Form 214 is "Physical Disability – EPTS".

c. The VA electronic medical record (JLV), and ROP were reviewed. The military electronic medical record, AHLTA, was not reviewed as it was not in use during the applicant's period of service. Included in the applicant's casefile was a letter, dated 29 May 1962, from the Acting Surgeon General of the Army to the applicant's mother that noted, in part, that "the attending psychiatrist and medical board who reviewed the applicant's case prior to separation found that his symptoms were improving that continued inpatient treatment was no longer indicated... That events that transpired the day after he arrived home were representative of an emotional illness which had been manifested by alternating periods of severe anxiety and periods of freedom from emotional distress... And the clinical and social evaluation and studies of this emotional state led to the final determination, by Walter Reed Neuropsychiatric Staff that the condition was a progression of a disorder that existed prior to military service". Also included in the casefile was a letter from The Office of the Surgeon General, Physical Standards Division, to the ABCMR, dated 2 January 1964, that reflected, in part, that "a review of the records shows that prior to [enlistment] the applicant's life was characterized by withdrawal, lack of spontaneity and interest... marginal adjustment to school, and throughout his life unable to adjust adequately in the heterosexual field and being preoccupied with sexual fantasies... He presented himself to the emergency room at Fort Bragg because he felt something was wrong, and he was subsequently diagnosed with Schizophrenia... the [applicant's] history as set forth in the medical records provides a proper basis of LOD No EPTS... He is considered to have been competent at the time of signing a waiver for appearance before a PEB prior to separation.

d. The applicant also provided letters from individuals who knew him prior to military service that attested they did not believe the applicant was suffering from a mental illness prior to service; A letter from the VA to Dept Army HQ, dated 14 November 1963 that reflect the applicant received a SC rating on 27 July 1962 for Schizophrenic Reaction, undifferentiated type; and a VA Decision Letter dated 2 September 2014 showing the applicant rating change from 10 percent to 50 percent for Unspecified Depressive Disorder (formerly Schizophrenia Reaction, Undifferentiated Type, Competent).

e. A review of JLV shows the applicant 70 SC for Mood Disorder. VA C&P dated 1 August 2014 shows the examiner diagnosed the applicant with Unspecified Mood

Disorder. He noted the applicant with a previous diagnosis of "Schizophrenia Reaction", rendered in 1972 and noted that diagnostic nomenclature no longer had a place in the DSM-5. He further noted he did not find sufficient evidence in the 1972 finding or other documentation prior to the current C&P to support a diagnosis of Schizophrenia but did find sufficient evidence to support a diagnosis of Unspecified Mood Depressive Disorder.

f. Records suggest the applicant engaged the VA for BH related treatment in October 1996, whereby he was diagnosed with Residual Schizophrenia Unspecified State. Records reflect that between October 1996 and 17 May 2016 the applicant was diagnosed with Residual Schizophrenia State, Bipolar Affective Disorder Mixed, Depression NOS, Mood Disorder, Unspecified Depressive Disorder, and Depressive Disorder Recurrent. Documentation associated with diagnosis of Residual Schizophrenia, Depressive Disorder NOS, and Bipolar Affective Disorder from October 1996 to February 1998 were void of session/therapy details. Documentation subsequent February 1998 reflects the applicant reporting depressive symptoms primarily related to issues of an aging and ill mother who eventually passed, chronic pain secondary to a work-related which ultimately led to retirement with a pension, and general psycho-social and environment stressors. His primary Residual Schizophrenia Disorder symptoms appeared to consist of anger, irritability, confrontation with others who did not share his world view, general paranoia, and tangential speech. There was no documentation related to Bipolar Disorder subsequent February 1998.

g. The applicant is requesting change to his DD214 such that EPTS is removed. He contends his SC diagnosis of was changed from Schizophrenic Reaction Undifferentiated Type to Unspecified Depressive Disorder and therefore the EPTS nomenclature should be removed. A review of the records shows the applicant was diagnosed with Schizophrenia during service and the condition was determined to have existed prior to service. Subsequent his discharge he was rated by the VA for a SC diagnosis of Schizophrenic Reaction Undifferentiated Type, in July 1992, and in September 2014, the SC diagnosis was changed to reflect Unspecified Depressive Disorder in September 2014. C&P Examination dated 2014 shows the examiner noted that Diagnosis of Schizophrenic Reaction Undifferentiated no longer was a useful diagnosis as it was not list in the DSM-5 and that he did not find evidence to support a diagnosis of Schizophrenia. He noted there was sufficient evidence to support a diagnosis of Unspecified Mood Disorder and thus rendered the diagnosis. While this advisor agrees with the C&P Examiner that the diagnosis of Schizophrenic Reaction Undifferentiated Type is not a condition in the DSM5, the applicant was diagnosed with Schizophrenia by military providers during the applicant's time in service and the diagnosis of Schizophrenic Reaction Undifferentiated was a proper mental health diagnosis in the DSM at the time it was diagnosed. Additionally, the applicant was diagnosed and received treatment for Schizophrenic Disorder Residual Type, which was a proper mental health diagnosis in the DSM-IV. Given a review by the Office of the Surgeon General and Providers at Walter Reed found the applicant's diagnosis

EPTS and he received treatment for Schizophrenic-related diagnoses through 2014, there is insufficient evidence to support the condition did not EPTS and insufficient evidence to support dropping it from removing EPTS from the applicant's DD214.

h. Based on the available information, it is the opinion of the Agency BH Advisor that there is sufficient evidence that the applicant had an experience or condition during his time in service, however, the condition was determined to exist prior to service, and thus insufficient evidence to support removing EPTS from the applicant's DD214.

Kurta Questions:

(1) Does any evidence state that the applicant had a condition or experience that may excuse or mitigate a discharge? Yes. The applicant is 70 percent SC for Mood Disorder.

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

(3) Does the condition or experience actually excuse or mitigate the discharge? No. A review of the records shows the applicant was diagnosed with Schizophrenia during service and the condition was determined to have existed prior to service. Subsequent his discharge he was rated by the VA for a SC diagnosis of Schizophrenic Reaction Undifferentiated Type, in July 1992, and in September 2014, the SC diagnosis was changed to reflect Unspecified Depressive Disorder in September 2014. C&P Examination dated 2014 shows the examiner noted that Diagnosis of Schizophrenic Reaction Undifferentiated no longer was a useful diagnosis as it was not list in the DSM-5 and that he did not find evidence to support a diagnosis of Schizophrenia. He noted there was sufficient evidence to support a diagnosis of Unspecified Mood Disorder and thus rendered the diagnosis. While this advisor agrees with the C&P Examiner that the diagnosis of Schizophrenic Reaction Undifferentiated Type is not a condition in the DSM5, the applicant was diagnosed with Schizophrenia by military providers during the applicant's time in service and the diagnosis of Schizophrenic Reaction Undifferentiated was a proper mental health diagnosis in the DSM at the time it was diagnosed. Additionally, the applicant was diagnosed and received treatment for Schizophrenic Disorder Residual Type, which was a proper mental health diagnosis in the DSM-IV. Given a review by the Office of the Surgeon General and Providers at Walter Reed found the applicant's diagnosis EPTS and he received treatment for Schizophrenic-related diagnoses through 2014, there is insufficient evidence to support the condition did not EPTS and insufficient evidence to support dropping it from removing EPTS from the applicant's DD214.



BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board 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 medical review, the Board concurred with the advising official finding there is sufficient evidence that the applicant had an experience or condition during his time in service, however, the condition was determined to exist prior to service, and thus insufficient evidence to support removing EPTS from the applicant's DD Form 214. The Board determined based on the preponderance of evidence and the medical review, correction the applicant's DD Form 214 is without merit.

2. However, during deliberation, the Board determined the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (1st Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 23 August 1960 to 10 April 1962. Based on this the Board granted partial relief for award of the Army Good Conduct Medal.

3. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 23 August 1960 to 10 April 1962 and adding the medal to his DD Form 214 for the period ending 10 April 1962.
  
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to reconsideration of his previous request to correct item 11c (Reason and Authority) on his DD Form 214 by removing the word "EPTS" (existed prior to service).

2/6/2024

X

[REDACTED]

CHAIRPERSON

[REDACTED]

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.

ADMINISTRATIVE NOTES:

A review of the applicant's records shows he is authorized additional awards not annotated on his DD Form 214 for the period ending 10 April 1962. As a result, amend his DD Form 214 by adding the National Defense Service Medal (NDSM).

REFERENCES:

1. Title 10 (Armed Forces), United States Code (USC), section 1556 (Ex Parte Communications Prohibited) provides the Secretary of the Army shall ensure that an applicant seeking corrective action by ARBA is provided a copy of all correspondence and communications, including summaries of verbal communications, with any agencies or persons external to agency or board, or a member of the staff of the agency or

Board, that directly pertains to or has material effect on the applicant's case, except as authorized by statute.

2. AR 635-40A, in effect at the time, prescribed policies and procedures for implementing the provisions within Title 10, USC that addressed the processing of Soldiers with physical disabilities.

a. Paragraph 6 (Discharge by Reason of Physical Disability without Entitlement to Receive Severance Pay). When it was determined that the member had incurred a physical disability which rendered him unfit and which was determined to have resulted from a disability that existed prior to his term of active service and not permanently aggravated as a result of active service, such member was to be discharged without entitlement to any benefits provided by these regulations.

b. Paragraph 33 (Separation for Physical Disability which Existed Prior to Entry on Active Service).

(1) Members of the Army who are ordered into the active military service for a period in excess of 30 days and who are determined to be unfit by a medical board for retention based on physical or mental disqualifications that were not incurred or aggravated while entitled to receive basic pay may request either discharge/relief from active duty or elect appearance before a physical evaluation board.

(2) The separation of a member under this section was to be accomplished within 72 hours after receipt of authorization for such separation.

//NOTHING FOLLOWS//