

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 January 2025

DOCKET NUMBER: AR20240004712

APPLICANT REQUESTS: reconsideration of his request for removal of the words "personality disorder" from his narrative reason for separation.

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

DD Form 149 (Application for Correction of Military Record)

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 AR20060002568 on 7 September 2006.
2. The applicant states his unit was putting him under stress because he was prior U.S. Air Force (USAF) and an E-4. He was harassed and called names. His supervisor threatened to move him into the barracks, away from his wife and child. He was pushed out. He honorably served in the USAF for four years. The Army deemed him a reject in seven months. There was animosity between the military branches back then. He was treated badly because of it. This has caused him embarrassment.
3. Having had prior honorable service in the USAF, the applicant enlisted in the Regular Army on 22 July 1987, for 4 years.
4. The applicant received formal counseling on the following dates/for:
 - 13 August 1987; not answering his phone while at home
 - 4 January 1988; failed to prepare and arrive on duty at his assigned location
 - 11 January 1988; being relieved from his military police duties
5. By memorandum on 10 January 1988, the Battalion Chaplain recommended every consideration be given to the applicant's separation. The chaplain noted that in each of their interviews, the applicant's emotions were unstable.

6. On 15 January 1988, the applicant underwent a mental status evaluation. He was psychiatrically cleared to participate in any administrative action deemed appropriate by the command.
7. The applicant's commander notified him on 28 January 1988, that he was initiating actions to separate him under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 5, paragraph 5-13, for personality disorder. The commander noted the applicant's psychiatric evaluation by the Division Psychiatrist and the applicant's counseling sessions with the chaplain.
8. The applicant acknowledged that he had been advised by counsel of the contemplated separation action, the possible effects of the discharge, and the rights available to him. He declined to submit a statement in his own behalf. He indicated he understood that he would be ineligible to apply for enlistment in the Army for a period of two years after his discharge.
9. The applicant's commander formally recommended his separation under the provisions of Army Regulation 635-200, Chapter 5, paragraph 5-13, prior to his expiration term of service.
10. Consistent with the chain of command's recommendations, the separation authority directed the applicant's separation from the Army on 17 February 1988, with his service characterized as honorable.
11. The applicant was discharged on 26 February 1988. His DD Form 214 (Certificate of Release or Discharge from Active Duty) confirms he was discharged under the provisions of Army Regulation 635-200, paragraph 5-13, for personality disorder. His service was characterized as honorable. He was assigned Separation Code JFX and Reenlistment Code 4. He completed 7 months and 5 days of net active service this period, with 4 years of prior active service.
12. The applicant petitioned the Army Discharge Review Board requesting a change to his narrative reason for separation. On 25 October 1989, the Board voted to deny relief and determined the overall merits of the case were insufficient as a basis to for correction of the applicant's records.
13. The applicant petitioned the ABCMR requesting a change to his narrative reason for separation. On 7 September 2006, the Board voted to deny relief and determined the overall merits of the case were insufficient as a basis to for correction of the applicant's records.

14. In reaching its determination, the Board can consider the applicant's petition, arguments and assertions, and service record in accordance with the published equity, injustice, or clemency guidance.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that 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 request and available military records, the Board determined that, in light of updated regulatory guidance and recognition of the potential stigma associated with the current narrative reason for separation, relief was warranted. The Board concluded that amending the applicant's DD Form 214 to reflect the narrative reason as "Condition, not a disability" is appropriate and aligns with the provisions of Army Regulation 635-200, Chapter 5-17. Per regulatory guidance which authorizes separation when a Soldier is diagnosed with a condition that interferes with duty performance but does not qualify as a disability under medical evaluation standards. As such, the Board granted relief to amend the narrative reason for separation on the applicant's DD Form 214 to reflect "Condition, not a disability."

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX	XXX	XXX	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 amending item 28 (Narrative Reason for Separation) to read - Condition not a disability.

X //SIGNED//

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, U.S. Code, Section 1556, requires the Secretary of the Army to ensure that an applicant seeking corrective action by ARBA be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.
2. Army Regulation 15-185 (ABCMR) sets forth procedures for processing requests for the correction of military records. Paragraph 2-15a governs requests for reconsideration. This provision of the regulation allows an applicant to request reconsideration of an earlier decision of the ABCMR. The applicant must provide new relevant evidence or argument that was not considered at the time of the ABCMR's prior consideration.
3. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the separation codes to be entered on the DD Form 214. At the time, this regulation prescribed the SPD Code "JFX" is the appropriate code to assign Soldiers separated under the provisions of Army Regulation 635-200, for personality disorder.

4. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:

a. An honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. The honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

b. Paragraph 5-13 (separation because of personality disorder) established policy and prescribed procedures for separating members for personality disorder (not amounting to disability) that interferes with assignment to or performance of duty, when so diagnosed.

5. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Service Boards for Correction of Military/Naval Records (BCM/NR) regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, Boards shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//