

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 February 2025

DOCKET NUMBER: AR20240007602

APPLICANT REQUESTS:

- correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her uncharacterized service as honorable or under honorable conditions (general)
- and an appearance before the Board via video or telephone

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4856 (General Counseling), dated 14 April 2003
- DD Form 214, for the period ending 1 May 2003
- Psychiatric progress notes (36 pages), [REDACTED], dated April 2023 to June 2023

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 her discharge is uncharacterized. She wants to change it and have an "actual discharge." She is applying for disability benefits for an in-service injury and post-traumatic stress disorder (PTSD). She lost her mother, father, and 16-year old niece in a house fire in December 2020. She has been going to counseling, therapy, and psychiatry sessions.
3. The applicant enlisted in the Regular Army on 23 October 2002, for a 4-year period. The highest rank she attained was private/E-1. The applicant's service record shows she did not complete advanced individual training. Nor was she awarded a military occupational specialty.

4. The applicant underwent a mental status evaluation on 8 April 2003. The evaluating provider noted the following diagnoses: "Rule Out Adjustment Disorder with Mixed Emotional Features" and "Personality Disorder NOS [not otherwise specified] with Antisocial Features." The provider also noted the applicant reported a long history of problems with cognition, affect, interpersonal functioning, and impulse control problems which were consistent with personality disorder. Psychological testing indicated significant concerns with impulsivity and antisocial behavior. It was unlikely rehabilitative efforts would develop her into a satisfactory member of the military. The provider recommended the applicant be administratively separated as soon as possible.
5. The applicant's immediate commander notified her on 3 April 2003 of his intent to initiate actions to separate her under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-13, based upon the diagnoses she received at Community Mental Health. The commander further noted he was recommending the applicant receive an entry level discharge. The applicant acknowledged receipt of the notification on the same date.
6. The applicant was formally counseled, on 14 April and 16 April 2003. Areas of emphasis covered in the counseling included the commander's recommendation of an honorable discharge for a diagnosed personality disorder; and the applicant's inability to adapt to the Army, lack of motivation, lack of desire to train, depression, and concerns about harming herself or someone else.
7. The applicant consulted with legal counsel on 21 April 2003. She was advised of the basis for the contemplated separation action and its effects, of the rights available to her, and the effects of waiving her rights. The applicant elected to submit statements in her own behalf. However, her service record does not contain a statement for review.
8. The applicant's immediate commander recommended her separation from service under the provisions of Army Regulation 635-200, paragraph 5-13, prior to her expiration term of service. As the specific reasons, the commander noted the applicant's diagnoses from Community Mental Health. The applicant's intermediate commander recommended approval of the separation action and further recommended a waiver of additional rehabilitative requirements and an entry level character of service.
9. On 22 April 2003, the separation authority approved the recommended separation action and directed the applicant's service be uncharacterized.
10. The applicant was discharged on 1 May 2003, under the provisions of Army Regulation 635-200, paragraph 5-13, by reason of personality disorder. Her DD Form 214 shows her service was uncharacterized, with separation code JFX and reentry code RE-3. She completed 6 months and 9 days of net active service.

11. The applicant provides 36 pages of psychiatric progress notes from [REDACTED], dated April 2023 to June 2023, which will be summarized in the "MEDICAL REVIEW" portion of this Record of Proceedings (ROP).
12. Regulatory guidance, in effect at the time, stated a service member may be separated for personality disorder, not amounting to disability, that interfered with assignment to or performance of duty when diagnosed by a medical authority.
13. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active-duty service. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It simply means the Soldier was not in the Army long enough for his or her character of service to be rated as honorable or otherwise.
14. The Board should consider the applicant's statement in accordance with the published equity, injustice, or clemency determination guidance.
15. MEDICAL REVIEW:
 - a. Background: The applicant is applying to the ABCMR requesting consideration of an upgrade to her characterization of service from uncharacterized to honorable or under honorable conditions. She contends she experienced an undiagnosed mental health condition, PTSD, that mitigates her discharge.
 - 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:
 - The applicant enlisted into the Regular Army on 23 Oct 2002.
 - Applicant's immediate commander informed her (3 Apr 2003) of his intent to initiate a separation due to behavioral health diagnoses she received at Community Mental Health.
 - The applicant was counseled on 14 and 16 Apr 2003 regarding commander's recommendation for a discharge due to diagnosed personality disorder and her inability to conform to Army standards. Specifically, her lack of motivation, training disinterest, depression and concerns of self-harm/harm to others were identified.
 - The applicant was discharged on 1 May 2003 under AR 635-200, paragraph 5-13. She was credited with 6 months and 9 days of net active service.
 - c. Review of Available Records: The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents contained in the applicant's file. The applicant asserts she is applying for disability benefits due to her injury and PTSD, as well as clarification of the nature of the discharge itself. The applicant did submit some

medical or mental health documentation with her application. A Report of Mental Status Evaluation (MSE) on 7-8 Apr 2003 noted symptoms of depression and anxiety, homicidal ideation and prior suicidal ideation and an attempt. Considerable history of difficulties with cognition, affect, interpersonal functioning and impulse control suggestive of a personality disorder were noted. The provider reported that rehabilitation efforts to remedy the dysfunction for continuation of her military career did not seem to be a likely outcome. Administrative separation from the military was recommended along with ongoing treatment at the CMHS prior to discharge. Her diagnoses from this evaluation were Personality Disorder NOS with Antisocial Features and a Rule Out for Adjustment Disorder with Mixed Emotional Features. A Developmental Counseling Form (16 Apr 2003) indicated her statement on 10 Apr 2003 of being depressed and thoughts of inflicting harm to self or others. She also reportedly expressed her desire to be out of the Army. There was evidence that the applicant was diagnosed with a mental health condition while on active service.

d. An initial assessment from [REDACTED] (27 Apr 2023) indicated onset of symptoms since 2001-2003 and currently not wanting to take medications, although the use of an antidepressant was discussed with the provider. She reported that the anniversary of her parents' death is this weekend. She also noted a lack of support from her siblings for her ongoing grief and difficulty lately working a job due to worsening depression. She acknowledged being in a legal case with VA, asking for more benefits. She was diagnosed with PTSD, Major Depressive Disorder, Recurrent, Moderate and Generalized Anxiety Disorder. However, the trauma event was not explicitly reviewed. Screening instruments for depression and anxiety on the next visit (4 May 2023) indicated extreme difficulty in functioning for both conditions, but an absence of suicidal ideation was noted. Her depressed mood and anxiety were shown to improve on the screening instruments by the second to last session on 23 May 2023. The available records from Complete Mind Care show three more sessions with the last one occurring on 20 Jun 2023.

e. The VA's Joint Legacy Viewer (JLV), which includes medical and mental health records from DoD and VA was also reviewed and showed no history of mental health related treatment or diagnoses. There was no indication of a service-connected disability as well.

f. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is sufficient evidence to support a change to the narrative reason for separation.

g. The treatment records provided with the application and supporting documentation include one DoD document which contends that the in-service MSE determined the presence of a diagnosable Personality Disorder and a possible Adjustment Disorder with mixed emotional features. The mental health records from 2023 provide diagnoses

of PTSD, Major Depressive Disorder and Generalized Anxiety Disorder, which occurred several years following applicant's discharge from the Army, and there was not an explanation for the manifestation of these conditions as far back as 2001. Also, one of the PTSD screenings conducted by Complete Mind Care had a score below the threshold for PTSD, although another PTSD screening produced elevated scores indicative of PTSD. However, the documentation does not explicitly discuss the trauma experience attributed to these symptoms. While the applicant did display behaviors characteristic of personality disordered traits when evaluated by the DoD psychologist, there is questionable evidence to fully support that diagnosis. However, despite the evaluator's clinical "rule out" diagnosis related to an Adjustment Disorder with mixed emotional features along with the personality disorder, there is insufficient evidence to support that the applicant had a medically disabling condition that would warrant disposition through medical channels or IDES.

h. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant claims to have had undiagnosed PTSD as a mitigating factor in her discharge. A Mental Status Evaluation from her time in service concluded a rule out diagnosis of Adjustment Disorder and a diagnosis of Personality Disorder NOS with Antisocial Features. A psychiatric evaluation from 2023 showed the experiencing of a traumatic event (unexpected death of family members in 2020), but there was no indication that PTSD was associated with a service-related traumatic experience.

(2) Did the condition exist or experience occur during military service? Yes, the basis for a behavioral health condition, PTSD, relies entirely on applicant's assertion she experienced a mental health condition, PTSD, while on active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. There is sufficient evidence, beyond self-report, that the applicant was experiencing mental health symptoms while on active service and was discharged due to a Personality Disorder with a possible Adjustment Disorder. Although there is documentation of behaviors consistent with a personality disorder and psychological testing is referenced by the DoD evaluator, it is more likely that a co-occurring Adjustment Disorder was present along with the applicant's personality traits/behaviors. Nonetheless, there is insufficient evidence of a condition that would require disposition through medical channels or warrant a referral to IDES. Given the applicant's in-service mental health diagnoses and per Liberal Consideration, the board could consider a change to the narrative reason for discharge to the 2021 revision to AR 635-200, Chapter 5-14, "other designated physical or mental condition.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy and regulation. The governing regulation provides that a separation will be described as an entry-level separation, with service uncharacterized, if the separation action is initiated while a Soldier is in entry-level status. The applicant did not complete training and was released from active duty due to personality disorder with an uncharacterized discharge after 6 months and 9 days of service. The Board determined her DD Form 214 properly shows the appropriate characterization of service as uncharacterized.
2. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise. As a result, there is no basis for granting the applicant's request.
3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

| | | | |
|---|---|---|----------------------|
| : | : | : | GRANT FULL RELIEF |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| █ | █ | █ | DENY APPLICATION |

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

6/6/2025

X

█

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. Title 10, U.S. Code (USC), 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 Army Board for Correction of Military Records (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. Title 10, USC, Section 1556, requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (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 ABCMR applicants (and/or their counsel) prior to adjudication.
3. Army Regulation 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 may, in its discretion, hold a hearing. 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.
4. Army Regulation 40-501 (Standards of Medical Fitness), in effect at the time, provides information on medical fitness standards for induction, enlistment, appointment, retention, and related policies and procedures. Chapter 3 (Medical Fitness Standards for Retention and Separation, Including Retirement) shows in:
 - a. Paragraph 3-35 (Personality, psychosexual, or factitious disorders; disorders of impulse control not elsewhere classified; control not elsewhere classified; substance use psychoactive disorders), these conditions may render an individual administratively unfit rather than unfit because of physical disability. Interference with performance of effective duty in association with these conditions will be dealt with through appropriate administrative channels; and
 - b. Paragraph 3-36 (Adjustment disorders), situational maladjustments due to acute or chronic situational stress do not render an individual unfit because of physical disability but may be the basis for administrative separation if recurrent and causing interference with military duty.

5. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), still in effect, set forth the basic authority for the separation of enlisted personnel.

a. Chapter 1, paragraph 1-16, provides that commanders will ensure that adequate counseling and rehabilitative measures are taken before initiating separation proceedings for personality disorder. The number and frequency of formal counseling sessions are discretionary.

b. Chapter 5, paragraph 5-13, provides that Soldiers may be separated for personality disorder not amounting to disability that interferes with assignment or with performance of duty, when so disposed as indicated below.

(1) The condition is a deeply ingrained maladaptive pattern of behavior of long duration that interferes with the Soldier's ability to perform duty. (Exceptions: combat exhaustion and other acute situational maladjustments.)

(2) The diagnosis of personality disorder must have been established by a psychiatrist or doctoral level clinical psychologist with necessary and appropriate professional credentials who is privileged to conduct mental health evaluations for the DOD components. It is described in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV).

(3) Separation because of personality disorder is authorized only if the diagnosis concludes that the disorder is so severe that the Soldier's ability to function effectively in the military environment is significantly impaired.

(4) Separation processing may not be initiated under this paragraph until the Soldier has been counseled formally concerning deficiencies and has been afforded ample opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

(5) When it has been determined that separation under this paragraph is appropriate, the unit commander will take the actions specified in the notification procedure.

(6) The character of service for Soldiers separated under this provision would normally be honorable but would be uncharacterized if the Soldier were in an entry-level status. An uncharacterized discharge is neither favorable nor unfavorable; in the case of Soldiers issued this characterization of service, an insufficient amount of time would have passed to evaluate the Soldier's conduct and performance.

6. On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to

Discharge Review Boards (DRBs) and Boards for Correction of Military/Naval Records (BCM/NRs) when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including post-traumatic stress disorder; traumatic brain injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

7. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs and BCM/NRs 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, BCM/NRs 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//