

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2025

DOCKET NUMBER: AR20240007771

APPLICANT REQUESTS: in effect, change the narrative reason for separation on his DD Form 214 (Certificate of Release or Discharge from Active Duty) from “personality disorder” to “medical condition, post-traumatic stress disorder (PTSD).”

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 2 November 1994
- Department of Veterans Affairs (VA) Rating Decision, 12 July 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:

a. Item 28 (Narrative Reason for Separation) of his DD Form 214 is incorrect. He filed a claim with VA, and he was service connected for PTSD on 12 July 2023. This action supports his assertion that his personality disorder designation was either a misdiagnosis by the treating physician (accident) or it was done purposefully as was the practice at that time to eliminate Soldiers from service, as addressed in Congress on 15 September 2010, committee on VA serial number 111-97. Instead of treating him for PTSD, he was discharged for a personality disorder. He received an honorable discharge and the guarantee of benefits. After discharge, he went to VA for help, but he was turned away because he had less than two full years of service. Over the years information came to light that reinforced his belief of a misdiagnosis and filed a claim for PTSD. He is currently seeing Dr. T_P_ and Dr. C_R_ at Lake Baldwin VA clinic.

b. Over the years information surfaced, such as the toxicity of the malaria medication that they were required to take, the fall out of burn pit exposure, symptoms of PTSD, and the hazardous water at Fort McClellan, AL. The numerous news reports

of the military wrongfully discharging veterans with a personality disorder so they would not have to treat PTSD. It all added up, as well as other things that occurred during this timeframe. When he believed enough evidence existed, he filed a claim and was seen by VA doctors, and he has been diagnosed with PTSD.

3. The applicant provides a copy of his VA rating decision, dated 12 July 2023, which shows he was granted service connection for PTSD with an evaluation of 70 percent, effective 1 December 2022.

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

a. He enlisted in the Regular Army on 19 November 1992.

b. A Report of Mental Status Evaluation, dated 7 September 1994, shows the applicant was referred to Gorgas Army Community Hospital inpatient psychiatric service in Panama for study and treatment. Based on the data obtained from personal interview impression, the applicant was diagnosed with personality disorder, not otherwise specified, manifested by dependence, inability to function alone, homicidal ideation contingent on being required to remain on active duty. The Chief, Department of Psychiatry noted that due to the personality disorder, it was evident that the applicant would have long-standing difficulties adapting emotionally to military life, and recommended he be separated under the provisions of chapter 5, Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel).

c. Medical progress notes show the applicant was discharged from the hospital on 12 September 1994. He was diagnosed with adjustment disorder and depressed mood.

d. The applicant was counseled by his noncommissioned officer on 20 September 1994 for separation. The counseling shows the applicant was found to have a personality disorder which affected his duty performance and stated he was being chaptered from service under chapter 5.

e. On 20 October 1994, the applicant's immediate commander notified him of his intent to initiate separation actions against him under the provisions of AR 635-200, chapter 5, paragraph 5-13, by reason of personality disorder. The commander informed the applicant he was recommending he receive an honorable discharge and explained his rights. The commander listed the following reason for the proposed action: the applicant was diagnosed as having a personality disorder not otherwise specified, manifested by dependence, inability to function alone, and homicidal ideation contingent on being required to remain on active duty. It was evident that he would have long standing difficulties adapting emotionally to military life.

f. The applicant acknowledged notification of the proposed separation under the provisions of AR 635-200, chapter 5, paragraph 5-13, and its effects; of the rights available to him. He acknowledged that he was provided the opportunity to consult with legal counsel.

1) He did not submit statements in his own behalf.

2) He understood that he may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions was issued to him.

3) He understood that if he received a discharge/character of service which was less than honorable, he must apply to the Army Discharge Review Board (ADRB) or the ABCMR for upgrading; however, he understood that the act of consideration by either Board does not imply that his discharge would be upgraded.

4) He understood that he would not be permitted to apply for enlistment in the United States Army within 2 years from the date of separation.

g. On an unspecified date, the applicant's immediate commander recommended approval of the separation under the provisions of AR 635-200, chapter 5, paragraph 5-13. The commander that the applicant had been referred for inpatient psychiatric service and psychiatric outpatient clinic. He recommended that any requirements for further counseling and rehabilitation be waived in accordance with AR 635-200, paragraph 1-18d because the applicant failed to respond to counseling and would not develop into the quality Soldier desired by the U.S. Army. The intermediate commander echoed this recommendation.

h. On 27 October 1994, the separation authority approved the discharge and directed the applicant be issued an honorable discharge. He waived the requirements for further counseling and rehabilitation.

i. The applicant was discharged on 2 November 1994. His DD Form 214 shows he was discharged under the provisions of AR 635-200, paragraph 5-13, and his service was characterized as honorable. He completed 1 year, 11 months, and 14 days of net active service during the covered period. Additionally, his DD Form 214 shows in:

- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): Army Achievement Medal, United Nations Service Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, Army Service Ribbon, Expert Marksmanship Qualification Badge (pistol), Sharpshooter Marksmanship Qualification Badge (grenade), Marksman Marksmanship Qualification Badge (M-16), and the Driver and Mechanic Badge

- Item 18 (Remarks): Member has not completed first full term of service. Somalia from 9 October 1993 – 3 March 1994
- Item 26 (Separation Code): JFX
- Item 27 (Reenlistment Code): 3
- Item 28 (Narrative Reason for Separation): Personality Disorder

5. There is no indication the applicant applied to the ADRB for review of his discharge processing within that Board's 15-year statute of limitations.

6. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting a change of his narrative reason for separation on his DD214 from personality disorder to medical condition, PTSD. He contends he experienced a diagnosed mental health, PTSD, condition that mitigates his misconduct.

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 19 Nov 1992. His DD214 showed service in Somalia from 9 Oct 1993 to 3 Mar 1994.
- The applicant received counseling by his NCO (20 Sep 1994) to inform him that it was determined he had a personality disorder impacting his duty performance. His NCO claimed he was consequently being chaptered from military service under Chapter 5.
- Applicant's immediate commander advised him (20 Sep 1994) of his plan to initiate separation actions against application under AR 635-200, chapter 5, paragraph 5-13 due to a personality disorder. This was based on applicant's dependence, inability to function alone, homicidal ideation and difficulty adapting emotionally to military life.
- Commander recommended (unspecified date) that further counseling and rehabilitation be waived since applicant was not responsive to counseling and would not develop into a quality soldier. On 27 Oct 1994, the separation authority approved the discharge and advised that it be honorable.
- The applicant was discharged on 2 Nov 1994, and he was credited with 1 year, 11 months and 14 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 he was misdiagnosed with a personality disorder by the treating physician or done on purpose according to a common practice at that time to discharge problematic soldiers. A Report of Mental Status Evaluation (7 Sep 1994) indicated hostile behavior, anxious mood or affect, and normal thought content. It was noted that

he was referred to the Army Inpatient Psychiatric Services, Panama for further assessment and treatment, and he was diagnosed with a Personality Disorder NOS. The evaluator remarked this diagnosis was “manifested by dependence, inability to function alone, homicidal ideation contingent on being required to remain on active duty.” He was recommended for separation under the provisions of Chapter 5, AR 635-200. On 12 Sep 1994, a hospital discharge note indicated he was released back to his unit, and the applicant “agrees to cooperate at the unit” until completion of his chapter 5 discharge. He was diagnosed with Adjustment Disorder with Depressed Mood. A Veterans Affairs letter, dated 12 July 2023, provided a Rating Decision of 70% service-connection for PTSD that became effective 1 Dec 2022. There was sufficient evidence that the applicant was diagnosed with a mental health conditions while on active service.

d. The VA’s Joint Legacy Viewer (JLV), which includes medical and mental health records from DoD and VA, was also reviewed and showed a history of mental health related treatment or diagnoses. His initial BH session documented in outpatient encounters (20 Sep 2023) identified anxiety, depression, sleep problems for years and inability to “turn off the switch.” He expressed a desire to be considered for mood medications. Trauma related stressors below the threshold were noted as well. He was diagnosed with SC PTSD. On 16 Oct 2023, he was screened for depression with a moderate score and anxiety with a severe score. The PTSD screening indicated he was experiencing posttraumatic distress. He followed up with a few Referral Management sessions Nov-Dec 2023 where he processed symptoms he experienced and was provided educational tools for self-management. A Mental Health Evaluation session (2 Jan 2024) noted he was still dealing with trauma from the military with behaviors of excessive exercise and unhealthy sexual behaviors. He also reported being married five times and having marital distress again. He reported trauma from deployment to Somalia, several deaths in his family, and witnessing deaths working in a prison. He was diagnosed with Other Reactions to Severe Stress. He met again for a therapy session on 26 Feb 2024, noting most of his traumatic experiences emanate from Somalia that include intrusive memories and nightmares of death and intense smells. Three more therapy sessions (28 May, 19 Aug and 07 Nov 2024) occurred. During the most recent session, he reported positive results from the peer support combat veteran group, improvement at home with his spouse, and getting more socially connected. The provider indicated treatment goals were met for psychotherapy and continuation was agreed upon for psychiatrist sessions and attendance with the Combat Veteran peer support group.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is sufficient evidence to support that the applicant had a condition of Personality Disorder not otherwise specified and Adjustment Disorder with Depressed Mood during his time in service. Conversely, there is insufficient evidence from DoD documents that a PTSD diagnosis was present during his active-duty period.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts he had an undiagnosed mental health condition, PTSD, during his time in service. DoD documents indicate he was diagnosed with Personality Disorder Not Otherwise Specified and Adjustment Disorder with Depressed Mood. VA records show a service-connected disability for PTSD at 70% and a VA Compensation and Pension examination from 2023 that demonstrates a substantiated case of PTSD, and he has engaged in mental health treatment through the VA.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he was experiencing a mental health condition, PTSD, while on active service. Records show he deployed to Somalia from 9 Oct 1993 to 3 Mar 1994.

(3) Does the condition or experience actually excuse or mitigate the discharge? Partial. A review of military medical and mental health records revealed documentation of the applicant's diagnosis of Personality Disorder Not Otherwise Specified and Adjustment Disorder with Depressed Mood. In 2023 he was diagnosed with PTSD by the VA and is service-connected for this condition. Difficulties adapting emotionally to military life and inability to function on his own can be consistent with a diagnosis such as an Adjustment Disorder. Given the applicant's in-service diagnosis of Adjustment Disorder, and per Liberal Consideration, a change to the narrative reason for discharge to the 2021 revision of AR 635-200, Chapter 5-14, "other designated physical or mental condition" should be considered.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's request, supporting documents, and evidence in the records. The Board considered the applicant's statement and record of service and the reason for separation. The applicant was separated for personality disorder. The Board found no error or injustice in the narrative reason for separation assigned during separation processing. The Board also reviewed and concurred with the medical advisor's review finding sufficient evidence to support that the applicant had a condition of Personality Disorder not otherwise specified and Adjustment Disorder with Depressed Mood during his time in service and insufficient evidence from documents that a PTSD diagnosis was present during his active-duty period.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	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.



X //SIGNED//

CHAIRPERSON
Signed by:

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 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) 635-200 (Personnel Separations - Enlisted Personnel), in effect at the time, set forth the basic authority for the separation of enlisted personnel. Paragraph 5-13 (Separation because of a personality disorder), stated, a member may be separated for personality disorder (not amounting to disability) that interferes with assignment to or performance of duty:
 - a. Personality Disorder – as determined by medical authority (i.e., the diagnosis will have been established by a physician trained in psychiatry and psychiatric diagnosis).
 - b. Separation because of personality disorder is authorized only if the diagnosis concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.
 - c. Separation processing may not be initiated under this paragraph until the member has been counseled formally concerning deficiencies and has been afforded ample opportunity to overcome these deficiencies as reflected in appropriate counseling or personnel records.
3. AR 635-5-1 (Separation Program Designator (SPD) Codes), in effect at the time, provided that enlisted Soldiers separated under the provisions of AR 635-200, paragraph 5-13 for personality disorder would receive a separation code of JFX (JMB).
4. AR 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army, U.S. Army Reserve, and Army National Guard. Table 3-1 provides a list of RE codes.
 - RE code "1" applies to Soldiers completing their term of active service, who are considered qualified for enlistment if all other criteria are met
 - RE code "2" is no longer in use but applied to Soldiers separated for the convenience of the government, when reenlistment is not contemplated, who are fully qualified for enlistment/reenlistment
 - RE code "3" applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, whose disqualification is waivable; they are ineligible unless a waiver is granted

- RE code "4" applies to Soldiers separated from last period of service with a non-waivable disqualification
- RE code "3B" is no longer in use but applied to Soldiers who had lost time during their last period of service and was ineligible for enlistment unless a waiver was granted
- RE code "3C" is no longer in use but applied to Soldiers who had completed over 4 months of service who did not meet the basic eligibility pay grade requirements of AR 601-280 or who had been denied reenlistment under the Qualitative Retention Process, and were ineligible for enlistment unless a waiver was granted

5. 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 DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole, or in part, to: mental health conditions, including PTSD; TBI; sexual assault; sexual harassment. Boards were directed 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 that misconduct which led to the discharge.

6. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. Boards for Correction of Military/Naval Records may grant clemency regardless of the court-martial forum. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice. This guidance does not mandate relief but provides standards and principles to guide Boards in application of their equitable relief authority.

a. 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.

7. Section 1556 of Title 10, United States Code, 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 Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//