

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 March 2025

DOCKET NUMBER: AR20240009010

APPLICANT REQUESTS:

a. correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- she was discharged for medical disabilities
- the character of her service as honorable
- her current legal last name of C_

b. a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DD Form 214
- Department of Veterans Affairs (VA) Form 21-4138 (Statement in Support of Claim)
- Marriage License

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, in a VA Form 21-4138, states she is requesting her last name be changed to C_ based on her marriage.

3. The applicant enlisted in the U.S. Army Reserve (USAR) on 8 June 2006. She entered initial active duty for training on 13 July 2006.

4. A Report of Mental Status Evaluation, dated 28 August 2006, shows the applicant was diagnosed with adjustment disorder with anxiety and depressed mood and with personality disorder, not otherwise specified, with borderline and antisocial traits. The evaluating behavioral health professional indicating it was his professional opinion that the applicant's condition would not respond to command efforts at rehabilitation nor to any treatment methods currently available within any military mental health facility. The condition(s) met the criteria for administrative separation under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-13 (Separation because of personality disorder) and advised the command to initiate separation action expeditiously.

5. On 29 September 2006, the applicant's commander informed her that he was initiating action to separate her from the Army under the provisions of Army Regulation 635-200, paragraph 5-13 for personality disorder, based on her diagnoses of adjustment disorder with anxiety and depressed mood and personality disorder, not otherwise specified, with borderline and antisocial traits. The applicant was advised of her rights to consult with legal counsel, submit statements in her own behalf, and to waive her rights in writing.

6. On 29 September 2006, the applicant acknowledged receipt of notification of the proposed separation action. She also acknowledged she would receive an entry-level separation with a character of service of uncharacterized. She declined the opportunity to consult with legal counsel and waived her rights in writing.

7. On 4 October 2006, the separation authority approved the applicant's separation under the provisions of Army Regulation 635-200, paragraph 5-13, by reason of personality disorder and directed the applicant receive an entry-level separation (uncharacterized).

8. The applicant's DD Form 214 shows she was discharged on 6 October 2006 under the provisions of Army Regulation 635-200, paragraph 5-13, by reason of personality disorder, her service was uncharacterized. The DD Form 214 also shows she completed 2 months 24 days of active service. The DD Form 214 shows her last name as G_.

9. The applicant provided a Marriage License showing she married Mr. C_ on 2 June 2018 and her last name at the time was M_. The license does not indicate her last name was legally changed to C_.

10. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of a change to her characterization of service to show she was discharged for medical

disabilities. She contends she experienced a mental health condition that warrants this change.

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 U.S. Army Reserves on 8 June 2006 and entered initial active duty for training on 13 July 2006.
- On 29 September 2006, the applicant's commander informed her that he was initiating action to separate her from the Army under the provisions of Army Regulation 635-200, paragraph 5-13 for personality disorder, based on her diagnoses of adjustment disorder with anxiety and depressed mood and personality disorder, not otherwise specified, with borderline and antisocial traits.
- The applicant was discharged on 6 October 2006, and she completed 2 months 24 days of active service.

c. Review of Available Records: The Army Review Board Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant did not provide a reason for her request, but she indicated "other mental health" as an issue or condition related to her application. A Report of Mental Status Evaluation dated 28 August 2006 showed the applicant demonstrated aggressive behavior and reported a depressed mood, and she was diagnosed with Adjustment Disorder with Anxiety and Depressed Mood and Personality Disorder with borderline and antisocial traits. Her potential for self-harming behavior was deemed to be "high" and potential for harm to others as "moderate-high." The evaluator noted that she met retention standards and her condition did not warrant disposition through medical channels. She was cleared for administrative action deemed appropriate by command. There was insufficient evidence that the applicant was diagnosed with PTSD or another psychiatric condition while on active service.

d. The Joint Legacy Viewer (JLV), which contains medical and mental health records for both DoD and VA, was reviewed and showed the applicant is 70% service connected for Anxiety Disorder since 2023. DoD records show she was initiated mental health treatment on 22 August 2006 due to difficulty in managing her anger in the training environment, and she also reported increased tearfulness, loss of appetite, sleep problems, depression, and difficulty concentrating. She explained a history of diagnosis and treatment for ADHD as well as a suicide attempt one year prior by taking an overdose of liquid pain medication. She was diagnosed with Depression and Anxiety Disorder, not otherwise specified (NOS), and two days later a psychiatric nurse practitioner started her on an antidepressant and a medication for sleep. In a follow up therapy visit, she reported she threatened to shoot her battle buddy and willingly gave up her weapon, and she was placed on "unit watch." She expressed that "she does not want to be here" (in training) and claimed she could no longer train because she did not

qualify with her rifle. In subsequent sessions she stated she wants out of the Army and “is willing to kill herself in order to get out,” and subsequently her diagnosis was changed to Adjustment Disorder with Depressed Mood. In September 2006, the discharge process was started, and the applicant was followed closely by behavioral health in order to continue to assess risk and maintain stability until discharge. She had 19 behavioral health encounters between 22 August and 3 October 2006, and the primary complaints were related to medication changes and the slow process to getting her discharged.

e. The applicant initiated mental health treatment at the VA on 16 August 2024 and reported a history of multiple trials of medications between 2006 and 2007 and then again starting in 2022, including antidepressants, anxiolytics, mood stabilizers, and sleep medications. At her most recent psychiatry visit on 7 February 2025, she continued to report significant mental health symptoms, and her diagnoses were Generalized Anxiety Disorder, Major Depressive Disorder (in remission), and “rule out” Dependent Personality Disorder.

f. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to support that the applicant had a mental health condition that warranted a referral to the Disability Evaluation System (DES). The applicant was discharged under AR 635-200, Chapter 5-13 for Adjustment Disorder with Depressed Mood, which was one of her diagnoses during her time in service. Documentation of her symptom presentation and behaviors exhibited by the applicant at the time supports this diagnosis. Additionally, she was thoroughly evaluated by behavioral health, and it was determined that she met retention standards in accordance with Army Regulation 40-501, para 3-33. Of note, the documentation also indicated that the applicant requested to be discharged citing suicidal intent if she remained in the service. Given the applicant’s in-service diagnosis of Adjustment Disorder, the 2021 revision to AR 635-200, and per Liberal Consideration, a change to the narrative reason for discharge to Chapter 5-14, “other designated physical or mental condition” could be considered.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? NA; request is for medical disability

(2) Did the condition exist or experience occur during military service? NA; request is for medical disability

(3) Does the condition or experience actually excuse or mitigate the discharge? NA; request is for medical disability

BOARD DISCUSSION:

1. 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 record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation.

a. Medical Disability Discharge. Deny. Upon review of the applicant's petition, available military records, and the medical review, the Board concurred with the advising official finding insufficient evidence to support that the applicant had a mental health condition that warranted a referral to the Disability Evaluation System. Therefore, the Board concluded relief was not warranted to amend the applicant's DD Form 214 to show she was discharged for medical disabilities.

b. Honorable Characterization of Service. Deny. 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. Soldiers in the U.S. Army Reserve are authorized an honorable discharge while in entry-level status only if they complete their active duty schooling and earn their designated military occupational specialty. The applicant did not complete training and was released from active duty due to personality disorder. The Board determined her DD Form 214 properly shows the appropriate characterization of service as uncharacterized.

c. Last Name Change. Deny. The evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during her entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. Based on the service record and a preponderance of the evidence, the Board denied relief.

2. 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
: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

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 635-200 (Active Duty Enlisted Administrative Separations) sets forth the basic authority and procedures for the administrative separation of enlisted personnel. The regulation in effect at the time, dated 6 June 2005, states in:

a. Paragraph 3-9, a separation would be described as entry level with uncharacterized service if processing were initiated while a Soldier was in an entry-level status, except when:

(1) An under other than honorable conditions characterization is authorized under the reason for separation and is warranted by the circumstances of the case.

(2) Headquarters, Department of the Army, on a case by case basis, determined a characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by reason of selected changes in service obligation, for convenience of the government, and under Secretarial plenary authority.

b. Paragraph 5-13, a Soldier may be separated for personality disorder (not amounting to disability per Army Regulation 635-40 (Disability Evaluation for Retention, Retirement, or Separation) 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). 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.

(2) 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.

(3) 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.

c. Glossary-Section II (Terms), for USAR Soldiers, entry-level status begins upon enlistment in the USAR. It terminates:

(1) For Soldiers ordered to initial active duty for training (IADT) for one continuous period, 180 days after beginning training.

(2) For Soldiers ordered to IADT for the split option, 90 days after beginning advance individual training.

3. Army Regulation 15-185 (ABCMR) provides Department of the Army policy, criteria, and administrative instructions regarding an applicant's request for the correction of a military record. Paragraph 2-11 states 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. Section 1556 of Title 10, U.S. 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 ABCMR applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//