

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 April 2025

DOCKET NUMBER: AR20240010606

APPLICANT REQUESTS: an upgrade of his characterization of service from uncharacterized to honorable.

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

- DD Form 149 (Application for Correction of Military Record), 24 June 2024
- Applicant's Mental Health Record and Visit Notes, 3 June 2022

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 he was issued an uncharacterized discharge after being diagnosed with paranoid personality disorder which later developed into an anxiety disorder. He was a model Soldier, he did not break any rules or laws under the Uniform Code of Military Justice (UCMJ).
3. The applicant provided four pages of his mental health record and visit notes which show he was diagnosed with generalized anxiety disorder with the following symptoms:
 - Avoidance
 - Chest pain
 - Choking
 - Fatigue
 - Fear of losing control
 - Fear of impending doom
 - Hypervigilance
 - Impaired sleep
 - Intrusive thoughts

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

a. He enlisted in the Regular Army on 16 September 1992.

b. The DA Form 3822-R (Report of Mental Status Evaluation), 11 December 1992, shows the applicant underwent a mental status evaluation. The examining official diagnosed the applicant with paranoid personality disorder and noted, in part:

(1) the applicant's agitation and homicidal thoughts are a result of the stress of the training environment and a lifelong difficulty with social interactions consistent with paranoid personality disorder.

(2) the applicant's maladaptive pattern of behavior reflected a long-standing, deeply ingrained personality disorder. It is highly unlikely that further rehabilitative efforts, counseling or punishment will have beneficial effect upon the applicant.

(3) the applicant was psychiatrically cleared for any administrative or judicial action as deemed appropriate by his command.

c. On 14 December 1992, the applicant was counseled by his first sergeant pertaining to his paranoid personality disorder diagnosis. The applicant was advised that his type of behavior could not and would not be tolerated and he was recommended for discharge under the provision of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), chapter 5, paragraph 5-13.

d. On 15 December 1992, the applicant's immediate commander formally notified him that he was initiating action to separate him from the Army under the provision of AR 635-200, chapter 5-13, for personality disorder with the issuance of an entry level separation.

e. On the same day, having been advised by his consulting counsel of the basis for the contemplated action to separate him under the provisions of AR 635-200, chapter 5-13, for personality disorder, and its effects of the rights available to him, the applicant acknowledged receipt of his commander's separation notification. He understood that he could expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions is issued to him. He further understood he may be ineligible for many or all benefit as a veteran under both federal and state laws.

(1) He elected to waive consideration of his case by an administrative separation board.

(2) He elected to waive a personal appearance before an administration board.

(3) He elected to submit statements on his own behalf (not in evidence).

f. On the same day, the applicant's immediate and intermediate commanders both recommended approval of the proposed discharge under the provisions of AR 635-200, chapter 5-13, for personality disorder.

g. On 16 December 1992, the separation authority approved the proposed discharge under the provisions of AR 635-200, chapter 5-13, for personality disorder and directed the applicant be issued an uncharacterized entry level separation.

h. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was discharged in the rank/grade of private/E-1 on 16 December 1992 under the provisions of AR 635-200, paragraph 5-13, by reason of personality disorder. He completed 3 months and 1 day of net active service. His service was uncharacterized. He was issued the separation code "JFX" and the reenlistment code "3".

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

6. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active-duty service. The evidence of record shows the applicant was in an entry-level status at the time of his separation. 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.

7. 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.

8. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of his characterization of service from uncharacterized to honorable. On his DD Form 149, the applicant indicated Other Mental Health Issues are related to his request. More specifically, he stated that he was discharged due to a diagnosis of Paranoid Personality Disorder which later evolved into an Anxiety Disorder. 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 enlisted in the Regular Army on 16 September 1992, 2) the applicant underwent a Mental Status Evaluation (MSE) on 11 December 1992 showing that the applicant's agitation and homicidal thoughts were a result of the stress of the training environment and a lifelong difficulty with social interactions consistent with paranoid personality disorder. The provider psychiatrically

cleared the applicant for any administrative or judicial action as deemed appropriate by command, 3) On 15 December 1992, the applicant's immediate commander notified him that he was initiating action to separate him from the Army under the provision of AR 635-200, chapter 5-13, for personality disorder with the issuance of an entry level separation, 4) the applicant was discharged on 16 December 1992 under the provisions of AR 635-200, paragraph 5-13, by reason of Personality Disorder. He completed 3 months and 1 day of net active service. His service was uncharacterized. He was issued the separation code "JFX" and the reenlistment code "3".

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the ROP and casefiles, supporting documents and the applicant's military service and available medical records. The VA's Joint Legacy Viewer (JLV) was also examined. The electronic military medical record (AHLTA) was not reviewed as it was not in use during the applicant's time in service. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. An in-service Report of Mental Status Evaluation dated 11 December 1992, was conducted as the applicant was being considered for separation due to Personality Disorder. All domains of the MSE were within normal limits (WNL). The provider documented that the applicant had a maladaptive pattern of behavior that reflected a long-standing, deeply ingrained personality disorder. More specifically, it was noted that the applicant's "agitation and homicidal thoughts are a result of the stress of the training environment and a lifelong difficulty with social interactions consistent with a paranoid personality disorder." The provider further noted that the disorder was "characterized by difficulty associating with others, tendency to be unforgiving of social insults/slight, reluctance to confide in others, unfounded expectation of being harmed and exploited by others, continually questioning the loyalty and intentions of others and a tendency to read a threatening meaning into the remarks of others." As such, the provider opined that the nature of the applicant's condition made it difficult to tolerate the basic training and AIT environment. It was further noted that the applicant had the mental capacity to understand and participate in the proceedings, was mentally responsible, and met retention requirements of Chapter 3, AR 40-501. The provider recommended that he be removed from training and initiate separation under the provisions of AR 635-200, Chapter 5-13. He was psychiatrically cleared for any administrative action deemed appropriate by command.

d. A review of JLV was void of medical information. There is no documentation showing that the applicant is service-connected through the VA for any conditions.

e. A transition of care note from Hampton Mental Health Associates dated 19 May 2022 shows the applicant presented for an initial evaluation due to anxiety. It was documented that he reported a history of one psychiatric inpatient hospitalization while in the military in 1992 due to anxiety [*Advisor's note*: in-service psychiatric

hospitalization documentation was not available for review]. His symptoms at the time of the intake were documented as avoidance, chest pain, fatigue, fear of losing control, feeling of impending doom, GI distress, hypervigilance, numbness/tingling, palpitations, impaired concentration, impaired sleep, indecisiveness, intrusive thoughts, irritability/feeling on edge, nervousness/restlessness, and racing thoughts. The onset was documented as “over several years.” He was diagnosed with Generalized Anxiety Disorder (GAD) and prescribed Buspirone (anxiolytic).

f. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient information that the applicant was diagnosed with a potentially mitigating BH condition in-service. In-service medical records show that he was diagnosed with Paranoid Personality Disorder, which falls under the purview of administrative separation. This Advisor would contend that the applicant’s discharge under the provisions of AR 635-200, Chapter 5-13 appears to be fair and equitable.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant contends his discharge was related to Other Mental Health issues.

(2) Did the condition exist or experience occur during military service? Yes, per the applicant’s assertion.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. In-service records show the applicant was diagnosed with Paranoid Personality Disorder and was recommended for administrative separation under the provisions of AR 635-200, Chapter 5-13. Since being discharged from the military, the applicant was diagnosed treated for Generalized Anxiety Disorder (GAD) by a non-VA/civilian BH provider in 2022, approximately 20 years since his discharge. However, there is insufficient evidence from the applicant’s military medical records that the applicant met criteria for a BH condition that failed medical retention standards IAW AR 40-501 while in-service. Given that the preponderance of evidence available does not indicate the applicant had a condition at the time of discharge that would have required disposition through medical channels, separation under provisions of Chapter 5-13 of AR 635-200 appears fair and equitable.

h. However, it is of note that under today’s standards, the applicant’s discharge based on his condition would fall under the provisions of AR 635-200, Chapter 5-14 Other Designated Physical or Mental Conditions. As there is no evidence of misconduct and given the potential prejudice one may face with the current narrative reason for

separation (Personality Disorder), consideration of changing the narrative reason for separation to read "Condition, Not a Disability" is consistent with the current regulation.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. A separation is described as entry-level with uncharacterized service if processing was initiated while a Soldier was in an entry-level status (within the first 180 days). An entry level uncharacterized separation does not carry a negative connotation, it simply means the Soldier did not serve long enough for their service to be characterized.
3. The applicant received an uncharacterized characterization of service because he served less than 6 months and he was in an entry level status at the time of his discharge.

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.

5/6/2025

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, 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 sets forth the policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons.

a. Paragraph 3-7a provides that 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 3-9 provides that a separation would be described as entry-level with uncharacterized service if processing was initiated while a Soldier was in an entry-level status, except when:

(1) a discharge under other than honorable conditions was authorized, due to the reason for separation and was warranted by the circumstances of the case; or

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

c. Paragraph 5-13 provides that a Soldier may be separated because of personality disorder when the condition is a deeply ingrained maladaptive pattern of behavior of long duration that interferes with the Soldier's ability to perform duty. The diagnosis of personality disorder must have been established by a physician trained in psychiatry and psychiatric diagnosis.

3. 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.

4. 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 (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 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.

//NOTHING FOLLOWS//