

IN THE CASE OF: ██████████

BOARD DATE: 14 August 2025

DOCKET NUMBER: AR20240011337

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his uncharacterized service as honorable and remove “personality disorder” and any reference to mental health.

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

- DD Form 149 (Application for Correction of Military Record), with self-authored statement
- Army Service Records (7 pages)
- Education and Employment History (22 pages)
- Study, Casting Troops Aside..., Vietnam Veterans of America, dated March 2012
- Clinical Research, Borderline Personality Disorder in Adolescents..., dated 2013

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 that during basic training, he was diagnosed with dysthymia and borderline personality disorder. He believes the diagnosis was likely improper as it requires a consistent pattern of behavior over time, and he was a 17 year old adolescent. The subsequent uncharacterized discharge does not reflect his commitment or potential. Since his discharge, he has proven his mental fitness through his academic achievements, legal career, and criminal investigations work. The impact of his discharge has affected his self-esteem, career progression, and personal life.

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

a. He enlisted in the Army National Guard of the United States on 3 November 2007.

- b. On 15 January 2008, he entered active duty for the completion of initial entry training.
- c. A mental status evaluation, dated 27 March 2008, shows he was diagnosed with Dysthymic Disorder and Borderline Personality Disorder with Antisocial Traits. The evaluating provider recommended expeditious administrative separation from service.
- d. He was formally counseled on 4 April 2008 on his inability to meet training requirements and pending administrative separation due to personality disorder.
- e. On 15 April 2008, his commander notified him of his intent to separate him under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-13, by reason of personality disorder.
- f. He was advised by consulting counsel of the basis for the contemplated action to separate him and its effects; of the rights available to him; and the effects of any action by him waiving his rights.
- g. His chain of command recommended approval, with an entry level separation (uncharacterized discharge).
- h. On 12 May 2008, the separation authority approved the recommended separation and directed an entry level separation.
- i. Accordingly, he was released from active duty and returned to the control of the Army National Guard on 15 May 2008, by reason of personality disorder. His service was uncharacterized. He completed 4 months and 1 day of net active service.
- j. On 16 May 2008, he was discharged from the Army National Guard of the United States and [REDACTED] Army National Guard, by reason of other designated physical or mental conditions. His service was uncharacterized.

4. The applicant provides education and employment documents showing his post-service accomplishments and two scholarly articles pertaining to personality disorder.

5. MEDICAL REVIEW:

- a. The applicant is applying to the ABCMR requesting a change to his uncharacterized discharge as well as associated administrative changes. He contends that the nature of the diagnosed mental health conditions during his time in service are related to his request. 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 Army National Guard on 3 November 2007; 2) On 4

April 2008, the applicant was formally counseled on his inability to meet training requirements and that he was pending administrative separation due to a personality disorder diagnosis; 3) The applicant's DD214 revealed that he was released from active-duty training on 15 May 2008- AR 635-200 paragraph 5-13 and was returned to the Army National Guard by reason of personality disorder. On 16 May 2008, he was discharged from the Army National Guard and [REDACTED] Army National Guard, by reason of other designated physical or mental conditions. His service was determined to be uncharacterized. He completed 4 months and 1 day of net active service.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents. The VA's Joint Legacy Viewer (JLV) was also examined. No additional medical documentation was provided for review. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. The applicant reported that he was separated secondary to an unsuitable mental health diagnosis, which the applicant disputes as inaccurate. The applicant began his connection with active-duty mental health while in military training on 19 February 2008 due to ongoing symptoms of depression and anxiety that began in junior high school and continued during basic training. At that time, the applicant was described by his provider as being placed on "line of sight" status by his command due to concerns about his mental health. During this encounter and 3 subsequent encounters, he held the diagnosis of adjustment disorder with depressed mood, which also included borderline personality disorder on at least one occasion. During his 20 February 2008 mental health encounter, he was referred for inpatient psychiatric treatment due to suicidal ideation. On 27 March 2008, following his discharge from inpatient psychiatric care (the discharge summary was unavailable for review), the applicant underwent a mental status evaluation that resulted in the diagnoses of dysthymic disorder and borderline personality disorder and cleared him for continued administrative separation procedures. He "no show-ed" for his final mental health appointment on 03 April 2008.

d. A review of JLV revealed that the applicant began an inconsistent connection with the VA on 20 December 2024, primarily for the treatment of emergent physical conditions. The applicant does not have any documented VA mental health treatment. The applicant is currently 80% VA service-connected for a physical condition and includes a 70% VA service-connection for neurosis.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is sufficient evidence to recommend that the applicants' discharge characterization be changed to a Chapter 5-14 discharge. However, there is insufficient evidence at this time to warrant a change to his uncharacterized separation, based on the available information. The applicant completed four months and one day time in service, which is less than 6 months time in service and meets criteria for uncharacterized separation requirements. While the applicant reports having received

VA disability ratings, these ratings are not indicative of evidence an error in discharge and/or warranting a change in his characterization of service as they are based upon different standards and parameters.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts mental health conditions are related to his request to change his uncharacterized discharge. The applicant asserted that he was incorrectly separated based on mental health diagnoses that he disputed. The documentation provided indicated that the applicant was repeatedly evaluated by numerous mental and physical health providers during his time in service and received the diagnoses of adjustment disorder with depressed mood, dysthymic disorder, and borderline personality disorder. The applicant is also VA service-connected for neurosis.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts that the separation conditions he experienced during his active service were incorrectly assessed. The documentation provided indicated that the applicant was repeatedly evaluated by numerous mental and physical health providers during his time in service and received the diagnoses of adjustment disorder with depressed mood, dysthymic disorder, and borderline personality disorder. The applicant is also VA service-connected for neurosis.

(3) Does the condition or experience actually excuse or mitigate the misconduct? Partially, there is sufficient evidence to recommend that the applicants' discharge characterization be changed to a Chapter 5-14 discharge. However, there is insufficient evidence at this time to warrant a change to his uncharacterized separation, based on the available information. The applicant completed four months and one day time in service, which is less than 6 months time in service and meets criteria for uncharacterized separation requirements. While the applicant reports having received VA disability ratings, these ratings are not indicative of evidence an error in discharge and/or warranting a change in his characterization of service as they are based upon different standards and parameters. However, the applicant's contention that his mental health diagnosis impacting his discharge during his time in service warrants a change is sufficient for the board's consideration per Liberal Consideration.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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. Upon review of the applicant's petition, available military records, and the medical review, the Board concurred with the medical advisory opinion finding insufficient evidence to warrant a change to his characterization of service due to the fact that the applicant completed four months and one day time in service, which is less than 6 months' time in service and meets criteria for uncharacterized separation requirements. However, the Board found sufficient evidence to warrant an amendment to his separation authority due to today's regulatory standards provide for an administrative discharge under the provisions of Chapter 5-14, as well as the narrative reason for separation to reflect Condition, Not a Disability.

3. Based upon the misconduct leading to the applicant's separation and the following recommendation found in the medical review related to the liberal consideration:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts mental health conditions are related to his request to change his uncharacterized discharge. The applicant asserted that he was incorrectly separated based on mental health diagnoses that he disputed. The documentation provided indicated that the applicant was repeatedly evaluated by numerous mental and physical health providers during his time in service and received the diagnoses of adjustment disorder with depressed mood, dysthymic disorder, and borderline personality disorder. The applicant is also VA service-connected for neurosis.

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(3) Does the condition or experience actually excuse or mitigate the misconduct? Partially, there is sufficient evidence to recommend that the applicants' discharge characterization be changed to a Chapter 5-14 discharge. However, there is insufficient evidence at this time to warrant a change to his uncharacterized separation, based on the available information. The applicant completed four months and one day time in service, which is less than 6 months time in service and meets criteria for uncharacterized separation requirements. While the applicant reports having received VA disability ratings, these ratings are not indicative of evidence an error in discharge and/or warranting a change in his characterization of service as they are based upon different standards and parameters. However, the applicant's contention that his mental

health diagnosis impacting his discharge during his time in service warrants a change is sufficient for the board's consideration per Liberal Consideration.

The Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's characterization of service but there is sufficient evidence warranting a change to his separation authority.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 15 May 2008 to show:

- item 25 (Separation Authority): Army Regulation 635-200, Chapter 5-14
- item 28 (Narrative Reason for Separation: Condition, not a Disability)

2. The Board further determined that the evidence presented is insufficient to warrant any further relief pertaining to his request.

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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. Section 1556 of Title 10, USC, 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 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, advisory opinions, and reviews to ABCMR applicants and/or their counsel prior to adjudication.
3. 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. 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.
4. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), in effect at the time, 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.

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 Discharge Review Boards (DRB) and Boards for Correction of Military/Naval Records (BCM/NR) 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. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the sexual assault or sexual harassment was unreported, or the mental health condition was not diagnosed until years later. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on those conditions or experiences.

6. 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-

artial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

//NOTHING FOLLOWS//