

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant's Requests and Issues: The current characterization of service for the period under review is honorable. The applicant requests a narrative reason change and reentry eligibility (RE) code change.

The applicant seeks relief contending, in effect, the applicant was evaluated in 2008 and found not to have a personality disorder and not to have had one in the past. At the time of separation, the applicant was being treated with Accutane for acne and insomnia with Ambien, both of which can affect behavior. The NCO and another Soldier would constantly belittle and bully the applicant, and it was not resolved and continued. The applicant believes it is possible they may have had PTSD at the time, as they know now insomnia can be a symptom; however, the applicant believes they were immature and handled the situation as such. The applicant wishes to serve in the military because they would like to complete their obligation. The applicant is no longer immature and has a solid family and home life. The ex-spouse was mentally and verbally abusive, and it has taken the applicant a long time to have the confidence to fight for what they believe is right.

b. Board Type and Decision: In a records review conducted on 18 March 2025, and by a 5-0 vote, the Board determined the narrative reason for the applicant's separation is inequitable based on the applicant's evidence showing complications from prescribed medication and evidence contradicting the diagnosis of a condition existing prior to service. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 5-17, and the narrative reason for separation to Condition, Not a Disability, with a corresponding separation code to JFV. The board determined the RE code was proper and equitable and voted not to change it.

*Please see **Board Discussion and Determination** section for more detail regarding the Board's decision.*

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Personality Disorder / AR 635-200, Paragraph 5-13 / JFX / RE-3 / Honorable

b. Date of Discharge: 30 September 2004

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 14 September 2004

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant had been diagnosed by a mental health psychiatrist as having a dysthymic disorder,

which existed prior to military service. This condition was a deeply ingrained, maladaptive pattern of behavior of long duration which interferes with the ability to perform their duty. This disorder is so severe ability to function effectively in the military environment is significantly impaired.

(3) Recommended Characterization: Honorable

(4) Legal Consultation Date: On 14 September 2004, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 15 September 2004 / Honorable

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 26 June 2002 / 4 years

b. Age at Enlistment / Education / GT Score: 18 / High School Letter / 107

c. Highest Grade Achieved / MOS / Total Service: E-4 / 14T10, Patriot Missile Crewmember / 2 years, 3 months, 5 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Kuwait (23 February 2003 – 26 May 2003)

f. Awards and Decorations: AAM, NDSM, GWOTEM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Four Developmental Counseling Forms, discuss event which occurred on 9 June 2004; discuss the obligations to the Army; discuss substandard performance; violation of article 117; and discuss intention to refer the applicant for a mental health evaluation and explain to the applicant the conduct which has led to believe the examination was necessary.

The applicant provided a Raintree Clinic letter, 27 September 2008, which reflects the applicant requested a psychiatric intake interview to re-enlist in the US Armed Forces. The applicant stated their initial enlistment was terminated due to immaturity and was given a DSM IV Axis I diagnosis of a Personality Disorder (NOS) (301.9). It was the examiner's opinion the applicant had no mental issues, which would disqualify the applicant from military service.

The applicant provided a Raintree Clinic letter, 23 October 2008, which reflects the applicant requested individual counseling regarding separation anxiety due to the spouse's station in Afghanistan. The therapist spent approximately 20 hours with the applicant and did not observe any personality disorder symptoms. The applicant was provided a psychiatric intake by a psychiatrist who did not view the applicant as having a personality disorder.

The applicant provided a VA Summary of Benefits letter, 25 March 2016; reflecting the applicant was granted a 30 percent service-connected disability; however, the letter does not state the nature of the disability.

i. **Lost Time / Mode of Return:** None

j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** None

(2) **AMHRR Listed:** Report of Mental Status Evaluation (MSE), 26 August 2004, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong. The applicant was diagnosed with Axis I: Dysthymic Disorder, Existed Prior to Service and Axis II: Personal Disorder, Not Otherwise Specified.

The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Two Applications for Correction of Military Record; Application for Correction of Military Record; three Raintree Clinic letters; third-party letter; Certificate of Release or Discharge from Active Duty; Personnel Action form; four Developmental Counseling Forms; VA Summary letter; Recommendation for Award; two certificates; newspaper article; prescription notes.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in

whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board), sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier'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.

(3) Chapter 5 provides for the basic separation of enlisted personnel for the convenience of the government.

(4) Paragraph 5-13, in effect at the time, provided that a Soldier may be separated for a personality disorder, not amounting to disability, when the condition interfered with assignment to or performance of duty. The regulation requires that the condition is a deeply ingrained maladaptive pattern of behavior of long duration that interferes with the Soldier's ability to perform military duties. The regulation also directs that commanders will not take action prescribed in this Chapter in lieu of disciplinary action and requires that the disorder is so severe

that the Soldier's ability to function in the military environment is significantly impaired. Army policy requires the award of a fully honorable discharge in such case.

(5) Paragraph 5-13h, stipulates a characterization of a Soldier separated per this paragraph will be characterized as honorable unless an entry-level separation is required under chapter 3, section II. Characterization of service under honorable conditions may be awarded to a Soldier who has been convicted of an offense by general court-martial or who has been convicted by more than one special court-martial in the current enlistment, period of obligated service, or any extension thereof.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), in effect at the time, provided the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identified the SPD code of "JFX" as the appropriate code to assign enlisted Soldiers who were discharged under the provisions of Army Regulation 635-200, Chapter 5-13, personality disorder.

f. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program), governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests a narrative reason change and reentry eligibility (RE) code change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

Evidence in the applicant's Army Military Human Resource Record (AMHRR) confirms the applicant was diagnosed by a competent medical authority with a Personality Disorder, Not Otherwise Specified.

The applicant contends in 2008, being evaluated and found not to have a personality disorder and not to have had one in the past. At the time of separation, the applicant was being treated with Accutane for acne and insomnia with Ambien, both of which can affect behavior. The NCO and another Soldier would constantly belittle and bully the applicant, and it was not resolved and continued. The applicant believes they may have had PTSD at the time, as they know now insomnia can be a symptom. The applicant provided a Raintree Clinic letter, 27 September

2008, which reflects the applicant requested a psychiatric intake interview to re-enlist in the US Armed Forces. The applicant stated their initial enlistment was terminated due to immaturity and was given a DSM IV Axis I diagnosis of a Personality Disorder (NOS) (301.9). It was the examiner's opinion the applicant does not have any mental issues, which would disqualify the applicant from military service. A Raintree Clinic letter, 23 October 2008, reflects the applicant requested individual counseling regarding separation anxiety because their spouse was stationed in Afghanistan. The therapist spent approximately 20 hours with the applicant and observed no personality disorder symptoms. The applicant was provided a psychiatric intake by a psychiatrist who did not view the applicant as having a personality disorder. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 26 August 2004, which reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong. The applicant was diagnosed with Axis I: Dysthymic Disorder, Existed Prior to Service and Axis II: Personal Disorder, Not Otherwise Specified. The separation authority considered the MSE.

The applicant contends the narrative reason for separation needs changed. The applicant was separated under the provisions of Chapter 5, paragraph 5-13, AR 635-200 with an honorable discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Personality Disorder," and the separation code is "JFX." Army Regulation 635-8 (Separation Processing and Documents), governs preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for entry of any other reason under this regulation.

The applicant contends the NCO, and another Soldier constantly belittled and bullied the applicant, and was not resolved. There is no evidence in the AMHRR the applicant sought assistance or reported the harassment. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends youth and immaturity affected the applicant's behavior at the time of the discharge. The AMHRR shows the applicant met entrance qualification standards to include age.

The applicant desires to rejoin the military service. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "3." There is no basis upon which to grant a change to the reason or the RE code. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes if appropriate.

The third-party statement provided with the application was provided by the applicant's previous supervisor and states the applicant was enthusiastic, trustworthy, and able to run the office on their own.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: Dysthymic Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the condition existed during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and, based on the BMA's opine, determined that the applicant was not separated due to misconduct, but rather was separated under AR 635-200, Chapter 5-13 for Personality Disorder NOS and was noted to have a Dysthymic Disorder that existed prior to service. The applicant asserts that the applicant did not have a personality disorder during service and that the applicant's behavior was a combination of immaturity and the side effects of prescription medication. The applicant provided documentation refuting a personality disorder diagnosis. Additionally, a review of the extant literature documents psychiatric symptoms as being a serious side effect of Accutane, which supports the assertion that the BH symptoms were possible side-effects. Regarding the diagnosis that the Dysthymic Disorder existed prior to service, except for what the provider listed on the August 2004 Report of Mental Status Evaluation, there was no documentation demonstrating a pre-service BH condition.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant did not have a Dysthymic Disorder that existed prior to service. Therefore, a change to the applicant's narrative reason for separation is warranted.

b. Response to Contention(s):

(1) The applicant contends in 2008, being evaluated and found not to have a personality disorder and not to have had one in the past. At the time of separation, the applicant was being treated with Accutane for acne and insomnia with Ambien, both of which can affect behavior. The NCO and another Soldier would constantly belittle and bully the applicant, and it was not resolved and continued. The applicant believes they may have had PTSD at the time, as they know now insomnia can be a symptom. The Board liberally considered this contention and determined that the applicant did not have a Dysthymic Disorder that existed prior to service. Therefore, a change to the applicant's narrative reason for separation is warranted.

(2) The applicant contends the narrative reason for separation needs changed. The Board considered this contention and determined that it was valid. The Board voted to change the applicant's narrative reason to Condition, Not a Disability.

(3) The applicant contends the NCO, and another Soldier constantly belittled and bullied the applicant and it was not resolved. The Board considered this contention but found insufficient supporting evidence to warrant further change to the applicant's discharge above that already discussed above in 9b(1-2).

(4) The applicant contends youth and immaturity affected the applicant's behavior at the time of the discharge. The Board considered this contention but did not find that it warranted further discharge upgrade.

(5) The applicant desires to rejoin the military service. The Board considered this contention and voted to maintain the RE-code at RE-3, which is a waivable code. An RE Code

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210000307**

of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes, if appropriate.

c. The Board determined the narrative reason for the applicant's separation is inequitable based on the applicant's evidence showing complications from prescribed medication and evidence contradicting the diagnosis of a condition existing prior to service. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 5-17, and the narrative reason for separation to Condition, Not a Disability, with a corresponding separation code to JFV. The board determined the RE code was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service as the applicant already holds an honorable characterization and further relief is not available.

(2) The Board voted to change the reason for discharge to Condition, Not a Disability, based on information the applicant provided outweighing the rationale for the prior Personality Disorder narrative reason. The SPD code associated with the new reason for discharge is JFV.

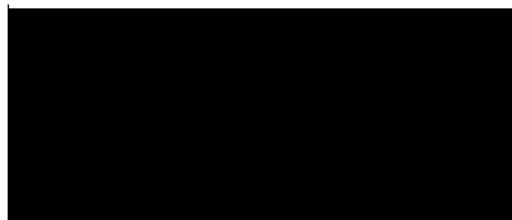
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: No Change
- c. Change Reason / SPD Code to: Condition, Not a Disability / JFV
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

4/3/2025



AWOL – Absent Without Leave
AMHRR – Army Military Human
Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral
Health (Issues)
OMPF – Official Military
Personnel File
PTSD – Post-Traumatic Stress
Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized
Discharge
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs