

**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.

The applicant seeks relief contending, in effect, being honorably discharged, but for a personality disorder when it was post-traumatic stress disorder (PTSD). The applicant is 70 percent disabled for PTSD, which began after a deployment and was the reason for the applicant's discharge.

**b. Board Type and Decision:** In a records review conducted on 3 December 2024, and by a 5-0 vote, the Board determined the narrative reason for the applicant's separation is inequitable based on changes to the separation regulation. 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 of JFV. The board determined the characterization of service and RE code were proper and equitable and voted not to change them.

*Please see Section 9 of this document for more details 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:** 31 March 2006

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 9 March 2006

**(2) Basis for Separation:** The applicant was informed of the following reasons: The applicant was diagnosed by Mental Health with having an adjustment disorder with mixed disturbances of emotions and conduct; personality disorder, not otherwise specified (NOS) (primary diagnosis).

**(3) Recommended Characterization:** Honorable

**(4) Legal Consultation Date:** On 9 March 2006, the applicant waived legal counsel.

**(5) Administrative Separation Board:** NA

**(6) Separation Decision Date / Characterization:** 16 March 2006 / Honorable

**4. SERVICE DETAILS:**

- a. **Date / Period of Enlistment:** 31 July 2003 / 3 years
- b. **Age at Enlistment / Education / GT Score:** 19 / HS Graduate / 102
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 92Y10, Unit Supply Specialist / 2 years, 8 months
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** SWA / Iraq-Kuwait (17 June 2004 – 16 October 2005)
- f. **Awards and Decorations:** NDSM, GWOTSM, CAB
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:** Company Grade Article 15, 26 August 2004, for disobeying a lawful order from Staff Sergeant (SSG) M. J., a noncommissioned officer (NCO), to surrender the applicant's cell phone (16 August 2004); being disrespectful in deportment toward SSG M. J. on two occasions (14 and 16 August 2004); and failing to go at the time prescribed to their appointed place of duty on two occasions (14 August 2004). The punishment consisted of a reduction to E-2 and forfeiture of \$300 pay (suspended).

Developmental Counseling Form, 3 March 2006, for pending separation for personality disorder.

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

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** Report of Mental Status Evaluation, 2 March 2006, 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; and met medical retention requirements. The applicant was diagnosed with adjustment disorder with mixed disturbance of emotions and conduct; personality disorder, NOS; and back pain. The provider recommended expeditious discharge in accordance with Army Regulation 635-200, Chapter 5-13.

*The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j(1) and (2) above.*

**5. APPLICANT-PROVIDED EVIDENCE:** Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge.

**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-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.

**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. 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 adjustment disorder, with mixed disturbances of emotions and conduct, and personality disorder NOS.

The applicant contends PTSD affected behavior which led to the discharge and the applicant was rated 70 percent disabled for the condition. The applicant did not submit any evidence, other than the applicant's statement, to support the contention the applicant was diagnosed with PTSD or the applicant was rated 70 percent disabled for the condition. The applicant's AMHRR reflects the applicant underwent a mental status evaluation (MSE) on 2 March 2006, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The applicant was diagnosed with adjustment disorder with mixed disturbance of emotions and conduct; personality disorder, NOS; and back pain, and the provider recommended expeditious discharge in accordance with Army Regulation 635-200, Chapter 5-13. The MSE was considered by the separation authority.

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 any other reason to be entered under this regulation.

**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, the applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: PTSD and Adjustment Disorder w/Disturbance of Emotions and Conduct.

**(2)** Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 70 percent service connected for PTSD.

**(3)** Does the condition or experience excuse or mitigate the discharge? **No.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions do not mitigate the discharge. The basis of separation reflects that separation was under the provisions of Chapter 13, AR 635-200 for a Personality Disorder. There is insufficient evidence to rule the decision was not proper and equitable at the time of separation.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder and/or Adjustment Disorder outweighed the discharge as the applicant already holds an honorable characterization of service and the reentry eligibility code is proper given the applicant's service connected behavioral health conditions.

**b. Response to Contention(s):**

(1) The applicant contends PTSD affected behavior which led to the discharge and the applicant was rated 70 percent disabled for the condition. The Board liberally considered this contention and determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder and/or Adjustment Disorder outweighed the discharge as the applicant already holds an honorable characterization of service and the reentry eligibility code is proper given the service connected behavioral health conditions.

(2) The applicant contends the narrative reason for separation should reflect PTSD. The Board considered this contention and determined that a change to PTSD or other medical discharge is not within the purview of the ADRB. However, the Board did find that the applicant's narrative reason for separation is inequitable given updates to AR 635-200, the separation regulation. Therefore, the Board voted to change the narrative reason for separation to Condition, Not a Disability.

**c.** The Board determined the narrative reason for the applicant's separation is inequitable based on the changes to the separation regulation. 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 of JFV. The board determined the characterization of service and RE code were proper and equitable and voted not to change them.

**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 changes to the separation regulation. Thus, the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFV.

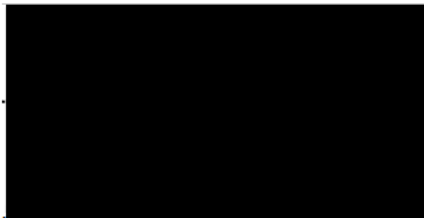
(3) The RE code will not change given the service connected behavioral health conditions. The current code is consistent with the procedural and substantive requirements of the regulation.

**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:**

12/23/2024



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