

**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 uncharacterized. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, misdiagnosed with an adult personality disorder after discussing with their drill sergeant how sad they were because they missed their family. The applicant claims they had to attend daily counseling sessions; however, they never spoke with a physician, nor were they prescribed medication. The applicant contends much disappointment in their discharge and would like to rejoin the military without having to obtain a waiver.

**b. Board Type and Decision:** In a records review conducted on 5 November 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

However, notwithstanding the propriety of the applicant's discharge, the Board found that the applicant's DD Form 214, blocks 25, 26, and 28, contain outdated entries. The Board directed the following administrative corrections and reissue of the applicant's DD Form 214, as approved by the separation authority:

- a. block 25, separation authority changed to AR 635-200, paragraph 5-14,
- b. block 26, separation code changed to JFV,
- c. block 28, narrative reason for separation changed to Condition, Not a Disability

*Please see Section 9 of this document 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 / Uncharacterized

**b. Date of Discharge:** 23 August 2007**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 26 July 2007

**(2) Basis for Separation:** The applicant was informed of the following reasons: The applicant had been diagnosed by medical officials at the installation to have a personality disorder. Both the commander's assessment and theirs is the applicant is not fit to continue their initial entry military training. The applicant has been given ample opportunity to be successful as a Soldier and has fallen short in every attempt. Because of the applicant's medical condition, the commander believes this to be no fault of the applicant, but never-the-less is forced to remove

them from an environment where the applicant might hurt oneself or other Soldiers. Therefore, the commander is hereby recommending the applicant for an Uncharacterized discharge (Initial Entry Separation).

**(3) Recommended Characterization:** Uncharacterized

**(4) Legal Consultation Date:** On 26 July 2007, the applicant waived legal counsel.

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

**(6) Separation Decision Date / Characterization:** 20 August 2007 / Uncharacterized

#### 4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 12 February 2007 / 3 years, 22 weeks

b. **Age at Enlistment / Education / GT Score:** 26 / GED / 88

c. **Highest Grade Achieved / MOS / Total Service:** E-2 / None / 6 months, 12 days

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** None

f. **Awards and Decorations:** None

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant had not completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 5-13, with a narrative reason of Personality Disorder. The DD Form 214 was authenticated with the applicant's signature.

Developmental Counseling Forms, for initiating separation.

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

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

**(1) Applicant provided:** OMHC Diagnostic Evaluation, 16 February 2012, reflects an Axis I: 309.9 Adjustment Disorder NOS.

**(2) AMHRR Listed:** Report of Mental Status Evaluation (MSE), 25 July 2007, 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 evaluation included a diagnosis of Axis I: Adjustment Disorder Depressed mood; Axis II: Borderline Personality Disorder; Axis III: Super lacerations, left forearm and right leg; Axis IV: Occupational: Not able to handle military stress and Axis V: 52. The applicant was evaluated at DBH after being discharged from Western Psychiatric Institute Medical Center. The applicant had been diagnosed with the Axis II Borderline Personality Disorder. Is a disorder with a series of deeply ingrained maladaptive coping mechanisms which renders their adaptability to the military life. It was highly likely the

applicant was prone to “psychologically crumble” under the stress and structure of the military environment. The applicant would most likely pose a severe threat to oneself and the people around them if they were ever engaged in a combat scenario. Therefore, the recommendation was an expeditious separation from service in accordance with AR 635-200 CH 5-13 (Personality Disorder) being in the best interest of the Army and the applicant.

*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; three letters of support; Maryland Family Resource Incorporation, OMHC Diagnostic Evaluation.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant sought a second opinion for their mental health from the Maryland Family Resource Incorporation.

**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.

(6) Glossary defines entry-level status for RA Soldiers is the first 180 days of continuous AD or the first 180 days of continuous AD following a break of more than 92 days of active military service.

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 an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

An honorable discharge (HD) may be given only in cases which are clearly warranted by unusual circumstances involving outstanding personal conduct and/or performance of duty. An HD is rarely ever granted.

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:

The applicant contends separation under Entry Level Status (ELS) was not appropriate and should have received an honorable discharge. Army Regulation 635-200 states a separation will be described as entry-level with service uncharacterized if, at the time separation action is initiated, the Soldier has less than 180 days of continuous active-duty service. The evidence of the Army Military Human Resource Record (AMHRR) reflects the applicant was notified on 26 July 2007 of the intent to initiate separation proceedings from the Army. At the time of the notification, the applicant had 164 days of continuous active-duty service. Based on the time in

service, the applicant was in an ELS status, and the uncharacterized discharge was appropriate.

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 uncharacterized 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.

The applicant contends being misdiagnosed with an adult personality disorder after discussing with their drill sergeant how sad they were because they missed their family. The applicant claims they had to attend daily counseling sessions; however, they never spoke with a physician, nor were they prescribed medication. The applicant provided a OMHC Diagnostic Evaluation, 16 February 2012, reflecting an Axis I: 309.9 Adjustment Disorder NOS. The third-party statements provided with the application reflect the applicant had attended counseling and had a positive outlook on life. The applicant has an outstanding work ethic and works very well with their peers. The AMHRR includes a Report of Mental Status Evaluation (MSE), 25 July 2007, reflecting 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 evaluation included a diagnosis of Axis I: Adjustment Disorder Depressed mood; Axis II: Borderline Personality Disorder; Axis III: Super lacerations, left forearm and right leg; Axis IV: Occupational: Not able to handle military stress and Axis V: 52. The applicant was evaluated at DBH after being discharged from Western Psychiatric Institute Medical Center. The applicant had been diagnosed with the Axis II Borderline Personality Disorder. Is a disorder with a series of deeply ingrained maladaptive coping mechanisms which renders their adaptability to the military life. It was highly likely the applicant was prone to "psychologically crumble" under the stress and structure of the military environment. The applicant would most likely pose a severe threat to oneself and the people around them if they were ever engaged in a combat scenario. Therefore, the recommendation was for an expeditious separation from service in accordance with AR 635-200 Chapter 5-13 (Personality Disorder) being in the best interest of the Army and the applicant.

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 applicant contends seeking a second opinion for their mental health from the Maryland Family Resource Incorporation. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

## **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? **No.** 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: Borderline Personality Disorder. At the time of separation, the applicant had not completed IET and per regulation the current characterization of service (Uncharacterized) is proper and equitable.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Response to Contention(s):

(1) The applicant contends the narrative reason for separation needs changed. The Board considered this contention and determined that the applicant's narrative reason for separation should be administratively changed to Condition, Not a Disability to reflect updates to Army Regulation 635-200.

(2) The applicant contends being misdiagnosed with an adult personality disorder after discussing with their drill sergeant how sad they were because they missed their family. The applicant claims they had to attend daily counseling sessions; however, they never spoke with a physician, nor were they prescribed medication. The Board considered this contention and found insufficient evidence in the applicant's AMHRR or applicant-provided evidence to support the assertion that the diagnosis was made in error.

(3) The applicant contends seeking a second opinion for their mental health from the Maryland Family Resource Incorporation. The Board considered this contention and did not find that the military medical diagnosis was made in error.

(4) The applicant contends seeking to reenlist. The Board considered this contention and voted to maintain the RE-code at RE-3, which is a waivable 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.

c. The Board determined that the discharge is, at this time, proper and equitable, considering the current evidence of record. The applicant has exhausted all available appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service because there were no mitigating factors for the Board to consider. Since the applicant was discharged for failing medical procurement standards due to an Adjustment Disorder while in entry status,

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Uncharacterized is proper and equitable. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

(2) The Board voted to administratively change the reason for discharge to Condition, Not a Disability due to changes to AR 635-200. The SPD code associated with the new reason for discharge is JFV.

(3) The RE code will not change given the BH diagnosis. 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:**

11/13/2024



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