

**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, the discharge was unjust because the applicant was advised at separation of receiving an honorable discharge. The applicant was lied to, manipulated, and threatened.

b. **Board Type and Decision:** In a records review conducted on 29 February 2024, and by a 5-0 vote, the Board determined the narrative reason for the applicant's separation is improper based on a change to Army Regulation. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 5-14, 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 due to applicant's Adjustment Disorder, Depression, and Borderline Personality Disorder diagnoses warranting consideration prior to reentry of military service.

*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:** 6 September 2007

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 13 August 2007

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant has a mental condition which renders the applicant unfit for reclassification or rehabilitation/counseling of any type, and the clinical diagnosis also rendered the applicant unfit for military service.

(3) **Recommended Characterization:** Uncharacterized

(4) **Legal Consultation Date:** 24 August 2007

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

(6) **Separation Decision Date / Characterization:** 30 August 2007 / Uncharacterized

**4. SERVICE DETAILS:**

- a. **Date / Period of Enlistment:** 25 April 2007 / 3 years, 18 weeks
- b. **Age at Enlistment / Education / GT Score:** 29 / GED / 125
- c. **Highest Grade Achieved / MOS / Total Service:** E-1 / None / 4 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:** Developmental Counseling Form for an impending separation under Chapter 5-13.

The applicant's Enlisted Record Brief (ERB), 9 August 2007, reflects the applicant was not flagged; No Disqualification (Eligible for immediate reenlistment) (10). The Assignment Eligibility Availability had no data entry. The applicant remained an E-1, effective 25 April 2007.

Orders 248-0156, 5 September 2007, reflect the applicant was to be reassigned to the U.S. Army Transition Point, Fort Knox, and discharged on 6 September 2007 from the Regular Army.

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

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** Report of Mental Status Evaluation, 12 July 2007, reflects the applicant was cleared for an administrative separation. The applicant could understand and participate in administrative proceedings; was mentally responsible; and met medical retention requirements. The applicant's maladjustment to military service reflected a lifelong pattern of recurrent and immature behavior, including an inability to relate effectively to others, and was so deeply ingrained and severe as to significantly impair the capacity to adapt to and function in the military environment. If the applicant remained in the military environment, it was likely the applicant would be a risk to oneself, or the unit assigned to, and was recommended for an expeditious separation from the military service. The applicant was diagnosed with: AXIS I: Adjustment Disorder with mixed emotional features and AXIS II: Borderline Personality Disorder.

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

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 149; Vital Statistics letter; and DD Form 214.

**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.

**(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-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. 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 an upgrade to honorable. 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 AMHRR confirms the applicant was diagnosed by a competent medical authority with a personality disorder: Borderline Personality Disorder.

The applicants contends being informed of receiving an honorable discharge. The applicant did not submit any evidence, other than the applicant's statement, to support the contention.

The applicant's AMHRR reflects when the applicant was notified on 13 August 2007 of the intent to initiate separation proceedings from the Army, the applicant had 111 days of continuous active-duty service, and a total of 132 days of creditable active duty service upon discharge.

The applicant contends being lied to, manipulated, and threatened. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

#### **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's Medical Advisor, a voting member, 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: Adjustment Disorder, Depression.

**(2)** Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder and Depression.

**(3)** Does the condition or experience excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that the applicant was diagnosed in service with an Adjustment Disorder, Depression, and Borderline Personality Disorder. The applicant was separated under Chapter 5-13 for the Borderline Personality Disorder as recommended by BH. The applicant's Uncharacterized separation for a Personality Disorder under Chapter 5-13 complied with the separation standards at that time, and there is no evidence of any mitigating conditions or experiences. The applicant's diagnoses of an Adjustment Disorder and Depression were secondary to the personality disorder and met medical retention standards at the time of separation.

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

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

(1) The applicant contends being informed of receiving an honorable characterization of service when discharged. The Board considered this contention and determined in accordance with AR 635-200 that, based on the applicant's official record, applicant was separated while in an entry level status and an UNC is the proper characterization of service except when the DCS, G-1 determines that an HD is warranted based on unusual circumstances involving personal conduct and performance of duty, which is not applicable in this case. Therefore, no change is warranted.

(2) The applicant contends being lied to, manipulated, and threatened. The Board considered this contention and determined there is insufficient evidence in the applicant's file to support this contention. 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. However, the Board determined the narrative reason for the applicant's separation is improper based on a change to Army Regulation. Therefore, the board voted to change the separation reason from JFX (Personality Disorder) to JFV (Condition).

c. The Board determined the narrative reason for the applicant's separation is improper based on a change to Army Regulation. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 5-14, 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 due to applicant's Adjustment Disorder, Depression, and Borderline Personality Disorder diagnoses warranting consideration prior to reentry of military service.

**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 a personality disorder while in entry level training, 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 change the reason for discharge to a Condition, 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, due to applicant's Adjustment Disorder, Depression, and Borderline Personality Disorder diagnoses warranting consideration prior to reentry of military service.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: No Change
- c. Change Reason / SPD Code to: A Condition, Not a Disability / JFV
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, Chapter 5-14

Authenticating Official:

3/14/2024



Legend:

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