

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 21 April 2021**b. Date Received:** 3 May 2021**c. Counsel:** [REDACTED]**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, through counsel, a separation program designator ([REMOVED]) code, reentry (RE) code, and a narrative reason change.

The applicant's counsel seeks relief contending, in effect, the applicant's reason for separation was improper because changes to policy made after the applicant's discharge would have significantly benefitted the applicant and the applicant would have been diagnosed with post-traumatic stress disorder (PTSD); the applicant's conduct was inconsistent with Army regulations pertaining to Personality Disorder; the applicant's separation did not follow the procedures required by current Army regulations; and the applicant should not have been separated pursuant to the authority of Army Regulation 635-200, paragraph 5-13 because the applicant was deployed to an imminent danger pay area and was not the subject of any general court-martial.

**b. Board Type and Decision:** In a records review conducted on 28 August 2024, and by a 5-0 vote, the board voted to change the narrative reason for discharge based on the current standard. In previous versions of Army Regulation (AR) 635-200, paragraph 5-13, limited the separation of Soldiers for this reason (Personality Disorder), to those who have less than 24 months of active duty service as of the date the discharge proceedings are initiated. The board noted the applicant had over 24 months of active duty service at the time of notification. The board voted to update the narrative reason for separation in accordance with the latest version of AR 635-200, dated 28 June 2021. Therefore, the narrative reason for the applicant's separation is now inequitable based on the current standard and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 5-14, and the narrative reason for separation to Condition, Not a Disability, with a corresponding SPD code of JFV. The board determined that the reentry eligibility (RE) code was both proper and equitable and voted not to change it.

*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 / JFV / RE-3 / Honorable

**b. Date of Discharge:** 30 July 2008

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 5 June 2008

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant was diagnosed with having an adjustment disorder with signs of depression. The applicant was also diagnosed with personality disorder.

(3) **Recommended Characterization:** Honorable

(4) **Legal Consultation Date:** NIF

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

(6) **Separation Decision Date / Characterization:** 26 June 2008 / Honorable

**4. SERVICE DETAILS:**

a. **Date / Period of Enlistment:** 8 March 2006 / 5 years

b. **Age at Enlistment / Education / GT Score:** 18 / HS Graduate / 102

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 94E1P, Radio & COMSEC Repairer / 2 years, 4 months, 23 days

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

e. **Overseas Service / Combat Service:** SWA / Iraq (26 January 2007 – 27 September 2007)

f. **Awards and Decorations:** NDSM, GWOTSM, ICM-CS, ASR

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** The applicant was counseled on 23 June 2008, due to being informed of the reason for the Chapter 5-13 separation.

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

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

(1) **Applicant provided:** The applicant provides post-service medical documents which reflects the applicant was diagnosed with PTSD, anxiety disorder, depressive disorder, and cannabis use disorder.

(2) **AMHRR Listed:** Memorandum, subject: Medica Disposition of Warrior 10 October 2007, reflects, in part, the applicant was diagnosed with adjustment disorder with depression and personality disorder by a clinical psychologist.

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 293, DD Form 214, Counsel's Statement with 14 exhibits (67 total pages)

**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), dated 25 September 2019, 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, in effect at the time, 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) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(4) Paragraph 5-13 specifically provides that a Soldier may be separated for personality disorder not amounting to a disability, which interferes with assignment to or performance of duty and requires that the diagnosis be so severe that the Soldier's ability to function in the military environment is significantly impaired.

(5) Paragraph 5-14 specifically provides that a Soldier may be separated for other physical or mental conditions not amounting to a disability, which interferes with assignment to or performance of duty (Exceptions: combat exhaustion and other acute situational maladjustments) and requires that the diagnosis be so severe that the Soldier's ability to function in the military environment is significantly impaired. 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 (DSM-IV) of Mental Disorders, 4th edition. 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. Separation for personality disorder is not appropriate when separation is warranted under chapters 4, 5, 7, 9, 10, 11, 13, 14, 15, or 18 of this regulation; AR 380-67; or AR 635-40. Nothing in this paragraph precludes separation of a soldier who has such a condition for other reasons authorized by this regulation. 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. When it has been determined that separation under this paragraph is appropriate, the unit commander will take the actions specified in the notification procedure.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides 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 identifies the SPD code of "JFV" as the appropriate code to assign enlisted Soldiers who are 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.

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

The applicant's counsel requests the narrative reason, SPD code, and RE codes be changed. The applicant was separated under the provisions of AR 635-200, Chapter 5-13, with an honorable discharge, and a RE code of 3. The narrative reason specified by Army Regulations, at the time, for a discharge under this chapter was "Personality Disorder" and the separation code is "JFV." Army Regulation 635-5, Separation Documents governs the 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 or SPD code to be entered under this regulation. 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.

The applicant's counsel contends the applicant's reason for separation was improper because changes to policy made after the applicant's discharge would have significantly benefits the applicant and the applicant would have been diagnosed with PTSD.

The applicant's counsel contends the applicant's conduct was inconsistent with Army regulations pertaining to Personality Disorder.

The applicant's counsel contends the applicant's separation did not follow the procedures required by current Army regulations.

The applicant's counsel contends the applicant should not have been separated pursuant to the authority of Army Regulation 635-200, paragraph 5-13 because the applicant was deployed to an imminent danger pay area and was not the subject of any general court-martial.

## **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: Personality Disorder, Adjustment Disorder, PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** Personality Disorder, Adjustment Disorder

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that although the discharge was proper and equitable and affirmed by the VA less than a year after separation, the board can consider a change given the 2019 service connection for combat related PTSD. Specifically, a paragraph 5-14, Condition not a Disability, or Secretarial Authority.

(4) Does the condition or experience outweigh the discharge? **No.** The board applied liberal consideration and concurred with the opinion of the Board's Medical Advisor, a voting member, that the discharge was proper and equitable at the time of discharge. However, the board voted to change the narrative reason for separation to paragraph 5-14, Condition not a Disability, based on policy changes to the current regulation.

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

(1) The applicant's counsel contends the applicant's reason for separation was improper because changes to policy made after the applicant's discharge would have significantly benefitted the applicant and the applicant would have been diagnosed with PSTSD. The board considered this contention and determined that the discharge was proper and equitable at the time of discharge. The board determined the discharge should reflect the recent policy changes and changes to the current regulation and voted to make an administrative change to the DD form 214, block 25 (separation authority) to reflect AR 635-200, paragraph 5-14, and block 28 (narrative reason for separation) to reflect Condition, Not a Disability.

(2) The applicant's counsel contends the applicant's conduct was inconsistent with Army regulations pertaining to Personality Disorder. The board considered this contention and concurred with the board's Medical Advisor that the discharge was proper and equitable at the time of discharge and affirmed by the VA less than a year after separation. However, the board decided to change the narrative reason for separation based on policy changes to the current regulation.

(3) The applicant's counsel contends the applicant's separation did not follow the procedures required by current Army regulations. The board considered this contention and acknowledged the discharge was proper and equitable at the time of discharge. However, the board voted to change the narrative reason for separation to reflect Condition, Not a Disability in accordance with policy changes to the current regulation.

(4) The applicant's counsel contends the applicant should not have been separated pursuant to the authority of Army Regulation 635-200, paragraph 5-13 because the applicant was deployed to an imminent danger pay area and was not the subject of any general court-martial. The board considered this contention and concluded that the discharge was proper and equitable at this time. However, the board voted to change the narrative reason for separation to reflect AR 635-200, paragraph 5-14 (condition, not a disability) and no changes to the reentry (RE) code or separation program designator (SPD).

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c. After carefully examining the applicant's record of service during the period of enlistment under review, the board determined the narrative reason for the discharge is now inequitable based on the current standard and updates to policy in the current regulation. Therefore, the board voted to make an administrative change to the applicant's DD Form 214, blocks 25, separation authority changed to AR 635-200, paragraph 5-14, and block 28, narrative reason for separation changed to Condition, Not a Disability. The board determined that the reentry eligibility (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 it is an honorable discharge and no further upgrade is available.

(2) The board determined the narrative reason for the applicant's separation is now inequitable based on the current standard and directed the issue of a new DD Form 214, to reflect AR 635-200, paragraph 5-14, Condition, Not a Disability, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFV.

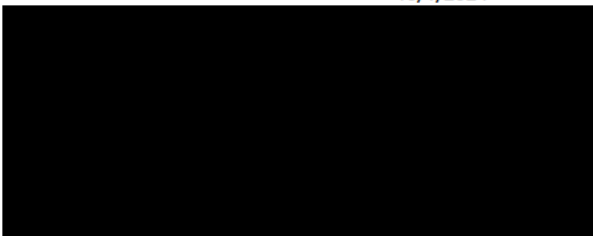
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214 / Separation Order: 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, paragraph 5-14

**Authenticating Official:**

10/1/2024



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