

1. Applicant's Name: [REDACTED]

- a. Application Date: 10 November 2020
- b. Date Received: 16 November 2020
- 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.
 - b. The applicant seeks relief contending, in effect, the applicant was misdiagnosed. Attached documents will show the applicant is not being treated for neither bipolar disorder nor a personality disorder. The applicant's civilian doctor has removed these disorders from the applicant's file as the applicant's depression at the time was circumstantial and the circumstances have been dramatically resolved. At the time the applicant was misdiagnosed, the applicant had suffered two miscarriages, the applicant's husband had an alcohol addiction, and the applicant unfortunately attempted to take the applicant's own life. What should have been treated as depression under the circumstances was diagnosed as borderline personality disorder and the applicant was discharged. However, when records were sent to the Department of Veterans Affairs, it showed bipolar disorder which was never discussed with the applicant, indicating either a mistake or intentional misdiagnosis. The applicant initially continued treatment with the Department of Veterans Affairs under the impression the applicant was being treated for bipolar disorder although the applicant did not agree with the diagnosis and felt healthy, the applicant continued treatment. However, in January 2019, the applicant requested their records and found that the applicant was being treated for something entirely different. The applicant then sought a second and third opinion at the University of Pittsburgh Medical Center in April 2019. The applicant went through the circumstances surrounding the original diagnosis and it was agreed that the applicant was misdiagnosed and in fact have neither a bipolar disorder nor a personality disorder. It is the applicant's and two psychologists belief that the traumatic experience of losing two children and having to deal with the applicant's husband's addiction at the same time caused a significant impact on the applicant's mental health. However, it could have been resolved at the lowest level with therapy. In April 2019, bipolar disorder, depression, and anxiety was removed from the applicant's civilian file.

- c. **Board Type and Decision:** In a records review conducted on 21 August 2024, and by a 5-0 vote, the Board determined that the applicant's separation was both proper and equitable, however the Board determined the narrative reason for the applicant's separation is inequitable based on the applicant's circumstances surrounding the discharge (Borderline Personality Disorder). Therefore, the Board 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 separation code to JFV. The board determined the RE code was proper and equitable and voted not to change it.

Please see Section 9 of this document for more detail regarding the Board's decision.

3. DISCHARGE DETAILS:

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

b. **Date of Discharge:** 11 March 2018

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 23 October 2017

(2) **Basis for Separation:** The applicant was informed of the following reasons: A mental evaluation suggests that the applicant did not have the requisite resilience of a service member on active duty. Furthermore, the disorder is of sufficient severity to interfere with the applicant's ability to function in the military.

(3) **Recommended Characterization:** Honorable

(4) **Legal Consultation Date:** On 26 October 2017, the applicant waived legal counsel.

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

(6) **Separation Decision Date / Characterization:** 20 November 2017 / Honorable

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 29 December 2015 / 6 years and 29 weeks

b. **Age at Enlistment / Education / GT Score:** 22 / High School Graduate / 111

c. **Highest Grade Achieved / MOS / Total Service:** E-3 / 35F10, Intelligence Analyst / 2 years, 2 months, and 13 days

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

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

f. **Awards and Decorations:** NDSM, GWOTSM, ASR

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** Start here.

(1) On 10 February 2017, the applicant was flagged for involuntary separation/field initiated (BA), effective 10 February 2017.

(2) Memorandum for Record, Letter of Intent, 10 February 2017, shows the commander intended to recommend the applicant to be separated from the U.S. Army under the provisions of AR 635-200, chapter 5-13, separation because of personality disorder.

(3) On 14 February 2017 and 18 July 2017, the applicant was counseled and flagged for involuntary separation/field initiated (BA).

(4) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), shows the applicant had not completed the first full term of service. The applicant was discharged on 11 March 2018 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 electronic signature.

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

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

(1) **Applicant provided:**

(a) Patient Health Summary, University of Pittsburgh Medical Center, shows the applicant's resolved problems as borderline personality disorder (noted 29 April 2019), and depression with anxiety (noted 1 April 2014).

(b) VA Problem List, shows the applicant's active problems as anxiety, bipolar disorder, and depression.

(2) **AMHRR Listed:**

(a) Report of Mental Status Evaluation (MSE), 9 February 2017, shows the applicant was discharged from the hospital and cleared for a chapter separation. The applicant required temporary duty limitations and likely required behavioral health treatment to be restored to full duty. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and TBI with negative results. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions. The applicant was diagnosed with borderline personality disorder.

(b) MSE, 17 October 2017, shows 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 had been screened for PTSD and TBI with negative results. The applicant was diagnosed with borderline personality disorder. The disorder was of sufficient severity to interfere with the applicant's ability to function in the military. The applicant was not amenable to available behavioral health treatment nor would the applicant respond to command efforts at rehabilitation. The symptom or behavioral problems existed prior to enlistment and did not simply represent maladjustment to the military.

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: DD Form 293; self-authored statement; patient health summary; VA problem list; and three character statements.

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) 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.

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

(3) 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.

(4) 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.

(5) Chapter 15, provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

e. Army Regulation 635-5-1 (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 waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

(1) 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.

(2) 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.

(3) 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.

a. The applicant requests a narrative reason change. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's DD Form 214 shows the applicant served 2 years, 2 months, and 13 days. Two MSE, 9 February and 17 October 2017, shows the applicant was diagnosed with a borderline personality disorder. The applicant's DD Form 214 shows the applicant was discharged on 11 March 2018 under the provisions of AR 635-200, Chapter 5, paragraph 5-13, by reason of Personality Disorder, with a characterization of service of honorable.

c. The applicant contends, in effect, the narrative reason for separation should be 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 (SPD Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

d. The applicant contends, in effect, the applicant was misdiagnosed and is not being treated for a bipolar disorder or a personality disorder. The applicant's civilian doctor has removed these disorders from the applicant's file as the applicant's depression at the time was due to the applicant's two miscarriages, the applicant's husband's alcohol addiction, and the applicant's attempt to take the applicant's own life. What should have been treated as depression under the circumstances was diagnosed as borderline personality disorder. However, when records were sent to the Department of Veterans Affairs, it showed bipolar disorder which was never discussed with the applicant, indicating either a mistake or intentional misdiagnosis. The applicant initially continued treatment with the Department of Veterans Affairs under the impression the applicant was being treated for bipolar disorder although the applicant did not agree with the diagnosis and felt healthy, the applicant continued treatment. These circumstances have been dramatically resolved.

(1) The applicant provided:

(a) Patient Health Summary, University of Pittsburgh Medical Center, shows the applicant's resolved problems as borderline personality disorder (noted 29 April 2019), and depression with anxiety (noted 1 April 2014).

(b) VA Problem List, shows the applicant's active problems as anxiety, bipolar disorder, and depression.

(2) The AMHRR shows the applicant underwent a MSE on 9 February and 17 October 2017, which indicates the applicant was diagnosed with a borderline personality disorder.

e. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

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 diagnosis: Borderline Personality Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.**
Borderline Personality 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 the applicant was appropriately diagnosed with Borderline Personality Disorder with all the required in-depth evaluation, following policies and procedures, and vetted through the final approving authority. Additionally, VA providers have concurred with the diagnosis on several occasions clarifying mood symptoms and related are secondary to the PD.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the available evidence did not support a conclusion that the applicant's conditions outweighed the medically unmitigated basis of separation.

b. Prior Decisions Cited: None

c. Response to Contentions:

(1) The applicant contends, in effect, the narrative reason for separation should be changed.
The Board determined this contention is valid.

(2) The applicant contends, in effect, the applicant was misdiagnosed. The applicant is not being treated for a bipolar disorder or a personality disorder. The applicant's civilian doctor has removed these disorders from the applicant's file as the applicant's depression at the time was circumstantial and the circumstances have been dramatically resolved.
The Board considered this contention during deliberations.

d. The Board determined that the applicant's separation was both proper and equitable, however the Board determined the narrative reason for the applicant's separation is inequitable based on the applicant's circumstances surrounding the discharge (Borderline Personality Disorder). Therefore, the Board 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 separation code to JFV. The board determined the RE code was proper and equitable and voted not to change it.

e. Rationale for Decision:

(1) The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board concurred with the conclusion of the medical advising official that the applicant's discharge was proper and equitable, but an administrative change is recommended to Chapter 5-14, condition not a Disability. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation and the character of service the applicant received upon separation were proper and equitable, but an administrative change to the narrative reason is warranted.

(2) The Board voted to change the applicant's reason for discharge because, although the Board found the discharge proper and equitable and there were no BH diagnoses which mitigated the misconduct to warrant relief, it was found that there was an administrative error on the applicant's DD Form 214, thus making the current reason for discharge improper. The corrected reason for discharge will be Personality Disorder, Condition not a Disability / AR 635-200, Paragraph 5-14. The SPD code associated with the new reason for discharge will change to JFV.

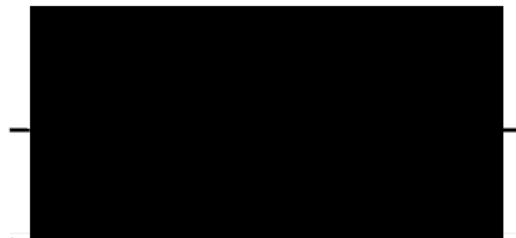
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(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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, 5-14

Authenticating Official:



Leg

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