

1. Applicant's Name:

- a. **Application Date:** 1 October 2021
- b. **Date Received:** 1 October 2021
- c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant's Requests and Issues:** The current characterization of service for period under review is uncharacterized. The applicant requests an upgrade to general (under honorable conditions).

b. The applicant seeks relief contending, in effect, prior to basic training the applicant had been diagnosed with a general anxiety disorder and the applicant disclosed that information to the recruiter who instructed the applicant to omit that information while processing at the Military Entrance Processing Station. During in-processing at the 30th Adjutant General and under the duress of knowing that soldiers were taking their own lives and having another soldier threaten to kill the applicant and themselves afterward, the applicant volunteered for charge of quarters duty for 8 nights in a row and during the first day at the training unit. The applicant had a psychotic episode as a result of the lack of sleep and aforementioned duress. After a medical evaluation at Martin Army Community Hospital, the applicant was diagnosed with a general mood disorder and received an uncharacterized administrative discharge under AR 635-200, paragraph 5-11, for failing to meet medical procurement standards. Shortly after being discharged, the applicant received a new diagnosis of bipolar 1 with severe psychotic features at Eisenhower. Since then, the applicant has been in and out of mental hospitals every so often accruing medical debt because until now, the applicant has been unable to hold down a steady job and more importantly afford medication. The applicant is submitting for a change to their record because the applicant believes that apart from the anxiety that the applicant disclosed to the recruiter, the applicant was otherwise qualified and fit for service. During the applicant's time in the Army, the applicant went above and beyond to ensure the safety of fellow soldiers so much so as to be a detriment to self. The applicant's service aggravated a condition (bipolar) that the applicant was unaware of and aggravation of that condition is the primary reason for the applicant's discharge, not a failure to meet medical procurement standards.

c. **Board Type and Decision:** In a records review conducted on 7 February 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

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:** Failed Medical/Physical/Procurement Standards / AR 635-200, Paragraph 5-11 / JFW / RE-3 / Uncharacterized

b. **Date of Discharge:** 3 December 2014

c. **Separation Facts:**

(1) Date Entrance Physical Standards Board (EPSBD) convened: NIF

(2) EPSBD Findings: NIF

(3) Date Applicant Reviewed and Concurred with the Findings, and Requested Discharge without Delay: NIF

(4) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 12 November 2014 / 3 years and 18 weeks

b. Age at Enlistment / Education / GT Score: 20 / High School Graduate / 132

c. Highest Grade Achieved / MOS / Total Service: E-1 / None / 22 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:

(1) Report of Medical History, 18 April 2014, the examining medical physician noted in the comments section: No need for psychological consult.

(2) Orders 337-2203, 3 December 2014, shows the applicant was to be reassigned to the U.S. Army Transition Point and discharged on 3 December 2014 from the Regular Army.

(3) The applicant's DD Form 214, shows the applicant had not completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 5-11, with a narrative reason of Failed Medical/Physical/Procurement Standards. The DD Form 214 was not authenticated with the applicant's electronic signature.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293.

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. AR 635-8 (Separation Processing and Documents) and AR 600-8-104 (Army Military Human Resources Records Management) both require supporting documents for an approved separation action to be maintained in the affected Soldier's official military personnel file.

e. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

(1) Paragraph 2-2 (Notice), stated commanders were to notify the soldier in writing of the following:

(a) Provide the basis of the proposed separation, including the circumstances upon which the action was based, and a reference to the applicable regulatory separation provision.

(b) The Soldier will be advised of the following rights:

- whether the proposed separation could result in discharge, release from active duty to a Reserve Component, or release from custody and control of the Army
- the least favorable characterization of service or description of separation he/she could receive
- the type of discharge and character of service recommended by the initiating commander and that the intermediate commander(s) may recommend a less favorable type of discharge and characterization of service than that recommended by the initiating commander

(c) Further advise the Soldier of the following rights:

- consult with military or civilian counsel at their own expense
- submit statements in their own behalf
- obtain copies of documents that will be sent to the separation authority supporting the proposed separation
- to a hearing before an administrative separation board under section III of this chapter if they had 6 or more years of total active and Reserve service on the date of initiation of recommendation for separation
- waive their rights

(2) 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) 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) A separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

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

(6) Paragraph 5-1, states that a Soldier being separated under this paragraph will be awarded a characterization of service of honorable, general (under honorable conditions), or an uncharacterized description of service if in entry-level status.

(7) Paragraph 5-10 (previously paragraph 5-11), states Soldiers who were not medically qualified under procurement medical fitness standards, when accepted for enlistment, or who became medically disqualified under these standards prior to entry on active duty or active duty training for initial entry training may be separated. A medical proceeding, regardless of the date completed, must establish that a medical condition was identified by appropriate medical authority within 6 months of the Soldier's initial entrance on active duty, that the condition would have permanently or temporarily disqualified the Soldier for entry into the military service had it been detected at that time, and the medical condition does not disqualify the Soldier from retention in the service under the provisions of AR 40-501, Chapter 3. This paragraph is not to be used for personality disorder cases, which will be processed per paragraph 5-14 (previously paragraph 5-13).

(8) Paragraph 5-14, Other designated physical or mental conditions, 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 and requires that the diagnosis be so severe that the Soldier's ability to function in the military environment is significantly impaired.

(a) Paragraph 5-14a (7), Personality disorder. A personality disorder is an enduring pattern of inner experience and behavior that deviates markedly from cultural expectations, is pervasive and inflexible, is stable over time and leads to clinically significant distress or impairment in functioning. The onset of personality disorder typically occurs in adolescence or early adulthood and may manifest as an inability to adapt to the military environment as opposed to an inability to perform the requirements of specific jobs or tasks (though both may be present in some cases). Observed behavior of specific conditions should be documented in appropriate counseling or personnel records, and should establish that the behavior is persistent, interferes with assignment to or performance of duty, and has continued after the Soldier was counseled and afforded an opportunity to overcome the mental condition.

(b) Paragraph 5-14b, when a commander is concerned that a Soldier may have a physical or mental condition that interferes with assignment to or performance of duty, the commander will refer the Soldier for a medical examination and/or mental status evaluation in accordance with DoDI 1332.14 and DoDI 6490.04. Mental status evaluations are only required for separation on the basis of mental disorders (not physical conditions), including personality disorders, not amounting to a disability.

(c) Paragraph 5-14j, separation processing may not be initiated under this paragraph until the Soldier has been counseled formally, in writing, concerning deficiencies and has been afforded ample opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records (see paragraph 1-17). The Soldier will also be counseled, in writing, that the condition does not qualify as a disability. Additionally, applicable counseling statements that support separation will be included as part of the separation action and will be uploaded by the TC into IPERMS prior to the administrative separation of the Soldier.

(d) Paragraph 5-14k, when it has been determined that separation under this paragraph is appropriate, the unit commander will take the actions specified in the notification procedure in this regulation under chapter 2, section I; or the administrative board procedure in chapter 2, section II, as applicable.

(9) Glossary prescribes 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.

f. 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 identifies the SPD code of "JFW" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 5-11, Failed Medical/ Physical/ Procurement Standards.

g. 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 waivable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 an upgrade to general (under honorable conditions). The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's AMHRR is void of the EPSBD proceedings, specific facts and circumstances concerning the events which led to the discharge from the Army. The applicant's AMHRR does contain a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was not authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 5, paragraph 5-11, by reason of Failed Medical/Physical/Procurement Standards, with a characterization of service of uncharacterized.

c. The applicant contends, in effect, prior to basic training the applicant had been diagnosed with a general anxiety disorder. The applicant had a psychotic episode as a result of lack of sleep and aforementioned duress. After a medical evaluation at Martin Army Community Hospital, the applicant was diagnosed with a general mood disorder and received an uncharacterized administrative discharge under AR 635-200, paragraph 5-11, for failing to meet medical procurement standards. Shortly after being discharged, the applicant received a new diagnosis of bipolar 1 with severe psychotic features at Eisenhower. Since then, the applicant has been in and out of mental hospitals every so often accruing medical debt because until now,

the applicant has been unable to hold down a steady job and more importantly afford medication. The applicant is submitting for a change to their record because the applicant believes that apart from the anxiety that the applicant disclosed to the recruiter, the applicant was otherwise qualified and fit for service. The applicant's service aggravated the bipolar condition that the applicant was unaware of and aggravation of this condition is the primary reason for the applicant's discharge, not a failure to meet medical procurement standards.

(1) The AMHRR contains a Report of Medical History, 18 April 2014, that reflects the examining medical physician noted in the comments section: No need for psychological consult.

(2) On 25 October 2021, a Command Management Division representative requested from the applicant, case separation files (including DA Form 4707 (EPSBD proceedings) and medical documentation to support the applicant's mental health conditions (psychotic episodes/features, duress, and anxiety, and bipolar disorder). No response was received from the applicant.

(3) On 5 October 2023, the Military Review Board representative requested from the applicant, case separation files and medical evidence. On 1 November 2023, the applicant sent a Life Stance Health Request for Access - Notice of Denial Letter, 17 October 2023, reflecting no records existed for the applicant.

d. 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 [REDACTED] 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: Bipolar Disorder I with psychotic features, Existed Prior To Service.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant exhibited symptoms of a Behavioral Health disorder while in service.

(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 should have been referred for an MEB at the time of his initial psychotic break in Nov 2014 because his condition failed medical retention standards of chapter 3 (in addition to failing procurement standards of Chapter 2). However, based on the currently available medical documentation, a referral to MEB/PEB is not indicated at this time given that his condition would not be found compensable due to fact medical documentation indicates the condition was present prior to entry on active duty and there is no evidence it was permanently aggravated by active duty.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined

that the available evidence did not support a conclusion that the applicant's Bipolar Disorder I with psychotic features which Existed Prior To Service outweighed the basis for applicant's separation for Failed Medical/Physical/Procurement Standards for the aforementioned reason(s).

b. Response to Contention: The applicant contends, in effect, prior to basic training the applicant had been diagnosed with a general anxiety disorder. The applicant had a psychotic episode as a result of lack of sleep and aforementioned duress. After a medical evaluation at Martin Army Community Hospital, the applicant was diagnosed with a general mood disorder and received an uncharacterized administrative discharge under AR 635-200, paragraph 5-11, for failing to meet medical procurement standards. Shortly after being discharged, the applicant received a new diagnosis of bipolar 1 with severe psychotic features at Eisenhower. Since then, the applicant has been in and out of mental hospitals every so often accruing medical debt because until now, the applicant has been unable to hold down a steady job and more importantly afford medication. The applicant is submitting for a change to their record because the applicant believes that apart from the anxiety that the applicant disclosed to the recruiter, the applicant was otherwise qualified and fit for service. The applicant's service aggravated the bipolar condition that the applicant was unaware of and aggravation of this condition is the primary reason for the applicant's discharge, not a failure to meet medical procurement standards. The Board considered this contention and determined in accordance with AR 635-200 that, based on the applicant's official record, the applicant was separated while in an entry level status and an Uncharacterized Discharge is the proper characterization of service except when the DCS, G-1 determines that an Honorable Discharge 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.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. 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, in accordance with AR 635-200 and based on the applicant's official record the applicant was separated while in an entry level status and Uncharacterized discharge is the proper characterization of service except when the DCS, G-1 determines that an Honorable discharge 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 Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and the reason the applicant was discharged was both proper and equitable.

(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: No

c. Change Characterization to: No Change

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210015566

d. Change Reason / SPD code to: No Change

e. Change RE Code to: No Change

f. Change Authority to: No Change

Authenticating Official:

2/14/2024

X

Presiding Officer, COL, U.S. ARMY
Army Discharge Review Board

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