


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2005-084

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX, FN (former)

FINAL DECISION


This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case on March 25, 2005, upon receipt of the applicant's completed application and military records.

This final decision, dated January 5, 2006, is signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST

The applicant asked the Board to upgrade his RE-4 (not eligible to reenlist) reenlistment code to RE-1 (eligible to reenlist). The military record indicates that the applicant enlisted in the active duty Coast Guard on September 28, 1999. He was honorably discharged on January 13, 2003, by reason of personality disorder, with a JFX (personality disorder) separation code and an RE-4 reenlistment code.¹

APPLICANT'S ALLEGATIONS

The applicant alleged that he was "medically cleared [of a] personality disorder" and discharged with six months left on his enlistment.

¹ The applicant's military record does not contain a copy of the DD Form 214. However, the discharge review board confirms in its review of the applicant's record on April 14, 2004 that he was honorably discharged, by reason of personality, with a JFX (personality disorder) separation code, and an RE-4 reenlistment on January 13, 2003. The DRB did not make any corrections to the applicant's record.

In support of his application, he submitted the following statement in pertinent part:

I believe that my discharge was unjust to the degree that I only had eight months left in my initial four-year enlistment contract. The reason I was discharged was a JFX personality disorder. I was admitted twice to [a hospital] and spent several days at the Walter Reed Army Medical Clinic, after which I was released. I was not happy at my unit because of some of the immature and unprofessional department of some of the petty officers, some of which were in my department . . . My being admitted was a combination of outside issues and work issues meshing together at the wrong time. I did want to leave and voiced it on several occasions. When I met with the Coast Guard psychiatrist he put down on this report that all I needed was a "leadership milieu highly responsive to my requirements." The CO thought differently so I was discharged.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on September 28, 1999. The record indicates that in January 2002, the applicant reported to the unit from which he would be discharged.

On February 15, 2002, the applicant was counseled on an administrative remarks page (page 7) about his inability to qualify as a Coast Guard station watchstander.

On September 12, 2002, a page 7 documented the applicant's lack of respect for his chain of command on two separate occasions. On September 6, the applicant challenged the authority of his supervisor to order the applicant to clean a bathroom and on September 10, he challenged the authority of his section leader to order him to conduct morning boat checks. The applicant was advised that such behavior would not be tolerated.

On September 23, 2002, a page 7 documented the applicant's failure to re-certify as a communications watchstander and his failure to demonstrate to an examining board that he was qualified for crewman. The applicant was placed on a modified work schedule to allow him more time to train for crewman.

On September 25, 2002, the applicant was referred to the psychiatry department at the Coast Guard [REDACTED]. The referral noted that the applicant was discharged that day from another facility where he had been treated for a depressive mood disorder.

On September 26, 2002, a psychiatrist evaluated the applicant and issued a medical report. The psychiatrist made the following diagnosis: "Axis I Adjustment Disorder with depressed Mood . . . Axis II Passive Aggressive and Narcissistic Personality Traits [and] Axis III occasional mild headaches." The psychiatrist stated that the applicant was immature especially with respect to his insight into what he was doing and the capacity to see beyond to the long-term consequences of his actions. The psychiatrist felt that the applicant had the capacity to develop into the kind of member who would be at least minimally acceptable to the command, provided he had a leadership milieu highly responsive to his requirements. He further stated, "Should the command elect not to continue to expend effort to develop [the applicant] into a reliably useful member, it would be justifiable . . . to move to an Administrative Discharge."

On October 28, 2002, the applicant was advised by his commanding officer (CO) that the CO had initiated action to discharge him from the Coast Guard due to a diagnosed personality disorder and that his marks warranted an honorable discharge. The applicant acknowledged the proposed discharge, objected to it, and submitted a statement in his own behalf. The applicant wrote in his statement that his parents pressured him into joining the Coast Guard. He stated that he should not have been in the Coast Guard. He further stated that he wanted to complete his four-year obligation and join one of the other branches of the military.

On October 28, 2002, the CO recommended that the Commander, Coast Guard Personnel Command (CGPC) discharge the applicant by reason of unsuitability due to personality disorder. The CO acknowledged that the applicant's diagnosed adjustment disorder with depressed mood was not itself justification for discharge, but stated "I feel that there are mitigating circumstances and sufficient documentation to show that his condition is not improving, even with medication and counseling. "

The applicant was discharged on January 13, 2003.

VIEWS OF THE COAST GUARD

On August 9, 2005, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant partial relief to the applicant. In this regard, he agreed with CGPC that the applicant's record should be corrected by issuing a new DD Form 214 to show that he was discharged by reason of convenience of the government, due to a condition not a disability, with a JFV (condition not a disability) separation code and an RE-3G (eligible to enlist with waiver) reenlistment code.

CGPC stated that the Coast Guard's discharge of the applicant on the basis of personality disorder when he was diagnosed with only an adjustment disorder was an error. CGPC further stated:

Based on the information provided in the applicant's records and applicable Coast Guard policy, I believe [the applicant] is harmed by the continued assignment of Separation code JFX and RE code RE-4, in that it unjustly prevents the applicant from even being considered for service in any branch of the U.S. Armed Forces. Changing the Applicant's RE code to RE-3G, with proper corrections to the applicant's record, will at least afford the Applicant the opportunity to be considered for future service.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On August 9, 2003, the BCMR sent the applicant a copy of the views of the Coast Guard and invited him to respond. The Board did not receive a reply.

APPLICABLE LAW

Personnel Manual (COMDTINST M1000.6A)

Article 12.B.12 of the Personnel Manual lists condition not a disability as a basis for a convenience of the government discharge.

Article 12.B.16 provides for discharge by reason of unsuitability due to personality disorders as listed in the Medical Manual.

Medical Manual (COMDTINST M6000.1B)

Chapter 5.B.2. lists the following as personality disorders: Paranoid, Schizoid, Schizotypal, Obsessive Compulsive, Histrionic, Dependent, Antisocial, Narcissistic, Avoidant, Borderline, and Personality disorder NOS (includes Passive-aggressive).

Separation Program Designator Handbook

The Separation Program Designator (SPD) Handbook authorizes either JFV or KFV as the separation code for a discharge by reason of condition not a physical disability that interferes with the performances of duties. The JFV separation code means that the separation was involuntary as directed by established directive and the KFV separation code means the discharge was voluntary as allowed by established directive. It also authorizes the assignment of an RE-3G or an RE-4 reenlistment code with either the JFV or KFV separation code.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10 of the United States Code. The application was timely.

2. The Coast Guard admitted, and the Board finds, that it committed an error by assigning "personality disorder" as the narrative reason for the applicant's DD Form 214. The applicant was diagnosed as suffering from an adjustment disorder. Chapter 5 of the Medical Manual identifies the various personality disorders and does not list adjustment disorder as a personality disorder.

3. In light of the error, the Board agrees with the Coast Guard that the most accurate reason for the applicant's discharge is condition, not a disability that interferes with the performance of duty, and that such discharge should be for the convenience of the government, pursuant Article 12.B.12. of the Personnel Manual.

4. The Board also agrees with the Coast Guard and finds that the RE-4 reenlistment code constitutes an injustice under the circumstances of this case and should be changed to RE-3G. While the applicant presented some administrative challenges for the command, the Board is persuaded that his behavior resulted in part from an inability to adjust to Coast Guard life. Moreover, the Separation Program Designator Handbook permits an RE-3G reenlistment code as well an RE-4. The RE-4 reenlistment code should not be assigned to members who exhibit a legitimate and possibly temporary inability to adjust to Coast Guard life. An RE-3G does not allow for automatic reenlistment; it requires the applicant to obtain a waiver to reenlist. In this regard, the applicant would be required to submit proof and convince a recruiter that he is no longer suffering from the adjustment disorder.

5. Accordingly, the applicant is entitled to the partial relief directed below.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application of former FN xxxxxxxxxxxxxxxxxxxxxxxxxxxx USCG, for correction of his military record is granted in part. Specifically, his DD Form 214 shall be corrected to show the following:

Block 25 shall be corrected to show Article 12.B.12. of the Personnel Manual as separation authority.

Block 26 shall be corrected to JFV (condition, not a disability) as the separation code.

Block 27 shall be corrected to show RE-3G as the reenlistment code.

Block 28 shall be corrected to show "CONDITION, NOT A DISABILITY" as the reason for separation.

The Coast Guard shall issue the applicant a new DD Form 214 with these corrections, rather than issuing him a DD 215 or making the corrections by hand.

All other requests for relief are denied.

