



case, the applicant argued that a diagnosis of a personality disorder by a mental health professional was not recorded in his medical record.

To support his application, the applicant provided one page of his medical record dated May 17, 2001. The record states the following:

Reason for Termination: Patient was administratively separated from the Coast Guard and had met treatment goals.

Current Status of Presenting Symptoms: Patient reported vast improvement in his ability to control his impulses and anger. He also reported dramatic improvement in his relationship with his wife. Does not endorse manic, panic, substance/alcohol abuse, or psychotic symptoms. Denies suicidal/homicidal ideation, intent, plan.

Treatment rendered: Cognitive-Behavioral Therapy: 15 sessions

O: Current mental status: This patient presented as a well developed, well nourished, Caucasian male, who's [sic] grooming and hygiene were adequately attended. He was cooperative, alert & oriented in four spheres. Patient's eye contact, speech and kinetics were within normal limits. Mood: euthymic. Affect: Full, good range of spontaneity and reactivity. Thought processes were linear, logical and goal directed, with content revealing no delusions, no hallucinations, no suicidality and no homicidality. Patient's cognition is intact. Insight and judgment appear to be good.

A: Closing Diagnosis:

Axis I: 314.01 ADHD, Predominantly Inattentive Type  
 296.30 Major Depressive D/O, recurrent, chronic, in partial remission  
 Axis II: V71.09 No Diagnosis<sup>[3]</sup>  
 Axis III: noncontributory  
 Axis IV: Psychosocial Stressors: none reported  
 Axis V: GAF: 75

To conclude, the applicant addressed the delay in submitting his application. The applicant stated that he discovered the alleged error on December 10, 2019, when he reviewed his DD-214 to apply for a government job. He stated that he recognized the egregious error since he recently obtained a master's degree in clinical mental health counseling.

### SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on March 10, 1998. Shortly after enlisting, he was stationed to a Coast Guard air station on the west coast.

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personality disorders include paranoid, schizoid, schizotypal, antisocial, borderline, histrionic, narcissistic, avoidant, dependent, and obsessive-compulsive. *Id.* "The diagnosis of Personality Disorders requires an evaluation of the individual's long-term patterns of functioning ... The personality traits that define these disorders must also be distinguished from characteristics that emerge in response to specific situational stressors or more transient mental states ... The clinician should assess the stability of personality traits over time and across different situations." *Id.* at 686. The Coast Guard relies on the DSM when diagnosing members with psychological conditions. *See* Coast Guard Medical Manual (COMDTINST M6000.1B), Chap. 5.B.1.

<sup>3</sup> V71.09 means that the patient is or was being observed for a potential diagnosis of a personality disorder or traits. DSM-IV-TR.

On June 6, 2001, the applicant was discharged in accordance with Article 12.B.16. of the Coast Guard Personnel Manual. His DD-214 shows “honorable” as the character of service; “personality disorder” as the narrative reason for separation; RE-4 as his reenlistment code; and JFX as his separation code.

### VIEWS OF THE COAST GUARD

On September 30, 2020, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which she recommended that the Board deny relief in this case.

The JAG argued that the application was untimely. Regarding the merits of the case, the JAG argued that the applicant failed to submit sufficient evidence to show that the Coast Guard committed an error or injustice. The JAG stated that a thorough search for the applicant’s Personnel Data Record (PDR) and medical records was conducted to no avail, which may indicate that the applicant did not return his records to his command upon his separation. To support his request, the applicant provided a single page from his medical records. The JAG argued that the applicant must provide his entire PDR and medical records for a proper review and potential correction of his record.

### APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 9, 2020, the Chair sent the applicant a copy of the Coast Guard’s views and invited him to respond within thirty days. No response was received.

### APPLICABLE LAW AND POLICY

Article 12.B.16(b) of the Personnel Manual authorized the Commandant to direct the discharge of an enlisted member for, *inter alia*,

- (1) Inaptitude. Applicable to those persons who are best described as inapt due to lack of general adaptability, want or readiness of skill, unhandiness, or inability to learn.
- (2) Personality disorders. As determined by medical authority, personality behavior disorders and disorders of intelligence listed in Chapter 5, CG Medical Manual (CG-294).
- (3) Apathy, defective attitudes, and inability to expend effort constructively. A significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

Article 12-B-16(h) stated that, when a psychiatric condition was a consideration in the discharge for unsuitability, the member should be examined by a psychiatrist who could either diagnose the member with a mental disability and refer the member to a medical board or, if there was no mental disability, complete an SF 502 form with a narrative summary describing the essential points of the mental condition and a statement averring that the member does not have a ratable disability.

The Separation Program Designator (SPD) Handbook, which is Enclosure 2 to the DD-214 Manual, COMDTINST M1900.D, states that one of the authorized narrative reasons for separation for members being discharged under Article 12.B.16. of the Personnel Manual is “personality

disorder” for members who receive an involuntary discharge directed by established directive when a personality disorder exists, not amounting to a disability, which potentially interferes with assignment to or performance of duty. The corresponding separation code is JFX, and the authorized reenlistment codes are RE-3G (eligible for reenlistment except for disqualifying factor: condition (not physical disability) interfering with performance of duty) or RE-4.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on the applicant’s military record and submissions, the Coast Guard’s submission and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>4</sup> The applicant was discharged and received and signed his DD-214 showing his narrative reason for separation, reenlistment code, and separation code in 2001. Therefore, the preponderance of the evidence shows that the applicant knew of the alleged error in his record in 2001, and his application is untimely. However, the Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>5</sup> Because the applicant’s narrative reason for separation on his DD-214, “Personality Disorder,” is prejudicial and the applicant has submitted medical evidence showing that he was not diagnosed with a personality disorder during a psychological evaluation about a month before his discharge, the Board finds that it is in the interest of justice to excuse the untimeliness of the application and consider the case on the merits.
3. The applicant alleged that his discharge for “Personality Disorder” and JFX separation code are erroneous and unjust because he was not diagnosed with a personality disorder. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant’s military record is correct as it appears in the record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.<sup>6</sup> Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties “correctly, lawfully, and in good faith.”<sup>7</sup>
4. To support his request, the applicant submitted his DD-214 and a single page of his medical records to show that he was not diagnosed with a personality disorder. He did not submit any other military or medical records concerning the cause of his discharge. The Coast Guard stated that the applicant’s military personnel file is lost and opined that the applicant may have failed to return it to his command at the time of his discharge. The applicant did not respond to this allegation. As official military records were still primarily paper in 2001, and members were sometimes allowed to take them for review or transport, the Coast Guard’s speculation is not

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<sup>4</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

<sup>5</sup> 10 U.S.C. § 1552(b).

<sup>6</sup> 33 C.F.R. § 52.24(b).

<sup>7</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

farfetched, but it is also possible that the Coast Guard or the Post Office lost his file because personnel files were often mailed from one command to another at the time.

5. The applicant requested a JDM separation code, which is not an authorized separation code under the Separation Designator Code Handbook. Nor is there any evidence that the applicant was discharged early because of an upcoming holiday, which is what JDM denotes, as he was discharged on June 6, 2001. The only evidence of record is a DD-214 showing that the applicant was discharged because of a personality disorder and a medical record showing that, about a month before his discharge, the applicant was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and recurrent depression in partial remission, and had “No Diagnosis” on Axis II, which is where a diagnosed personality disorder would appear. The medical record also states that the applicant had “reported vast improvement in his ability to control his impulses and anger.”<sup>8</sup> While the single medical record made available to the Board cannot prove, *per se*, that the applicant was never diagnosed with a personality disorder, it casts substantial doubt on the accuracy of the narrative reason for separation on the applicant’s DD-214. A review of past BCMR decisions shows that, during the period in which the applicant was discharged, many members discharged due to Post Traumatic Stress Disorder (PTSD), ADHD, adjustment disorders, phobias, and similar conditions had “Personality Disorder” entered on their DD-214s despite the lack of a diagnosed personality disorder,<sup>9</sup> even though, as the applicant noted, Article 12.B.16.b.2. of the Personnel Manual authorized discharges for members with personality disorders only “as determined by medical authority.” Therefore, in this case, given the diagnoses in the medical record dated May 16, 2001, the Board finds that it is at least possible if not probable that the applicant was discharged due to a diagnosed condition that was not a personality disorder.

6. Because employers sometimes demand to see veterans’ DD-214s before hiring them, it is very important for DD 214s to be fair and not to unduly tarnish members’ records without substantial evidence.<sup>10</sup> “Personality Disorder” is not only a highly prejudicial narrative reason for separation, but it is an actual medical diagnosis. This means that, when trying to access veterans benefits or gain employment, the veteran will often have the undesirable choice of revealing the diagnosis, which may not even be accurate, or forgoing the benefit entirely because veterans normally must present their DD-214s to gain benefits. In light of the highly prejudicial nature of a discharge by reason of “Personality Disorder,” the Board has often ordered the Coast Guard to correct the narrative reason on a DD-214 to some other, less prejudicial reason when the member was never diagnosed with a personality disorder or when the diagnosis was uncertain or not supported by significant inappropriate behavior.<sup>11</sup> On the other hand, the Board has not removed the narrative reason “Personality Disorder” from the DD-214s of some veterans whose

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<sup>8</sup> The Board notes that impulse-control disorders and intermittent explosive disorder are not classified as personality disorders. DSM-IV-TR, Sec. II.

<sup>9</sup> See, e.g., the following cases in which the applicants received “personality disorder” as their narrative reason for separation on their DD-214s even though they were discharged for other medical conditions: 1999-037 (adjustment disorder), 2001-032 (homesickness), 2001-104 (PTSD), 2004-044 (adjustment reaction), 2004-057 (ADHD), 2007-221 (claustrophobia), 2008-127 (panic attacks), 2015-048 (adjustment disorder).

<sup>10</sup> See, e.g., BCMR Docket No. 1999-050.

<sup>11</sup> See, e.g., BCMR Docket Nos. 2009-106, 2008-127, 2007-221, 2007-028, 2005-082, 2005-045, 2004-044, and 2003-015.

inappropriate conduct strongly supported their diagnoses.<sup>12</sup> In this case, because the applicant's Coast Guard military records have been lost, the conduct for which he underwent treatment for impulse control and anger management and was discharged is unknown.

7. Despite the extreme paucity of the evidence in this case, given the medical record dated about one month before the applicant's discharge, which expressly stated "No Diagnosis" where a diagnosis of a personality disorder would normally appear, and given the highly prejudicial nature of a "Personality Disorder" discharge, the Board is persuaded that the applicant's narrative reason for separation on his DD-214 is unjust and finds that it would be in the interest of justice to correct the narrative reason for separation from "Personality Disorder" to "Secretarial Authority." Under the SPD Code Handbook, the authorized separation code for a discharge due to "Secretarial Authority" is JFF, and the default reenlistment code is RE-3.<sup>13</sup> Therefore, these corrections should be made to the applicant's record.<sup>14</sup>

**(ORDER AND SIGNATURES ON NEXT PAGE)**

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<sup>12</sup> See, e.g., BCMR Docket Nos. 2010-002, 2001-020, 2000-142, 1999-185, 1999-037, and 1998-099 in which the Board upheld the unsuitability and personality disorder discharges of, respectively, a veteran who was diagnosed with an antisocial personality disorder after committing various offenses, including unauthorized absences, theft, disobedience, and drug use; a veteran who was diagnosed with a dependent personality disorder after going AWOL and committing various other disciplinary infractions; a veteran who was diagnosed with a borderline personality disorder and went to an historic tower, told a guard at the bottom that he was going to hang himself off the top with a dog collar and leash, and waited at the top until the police arrived; a veteran with numerous disciplinary infractions and performance problems in his record who was diagnosed by two psychiatrists with a borderline personality disorder; a veteran who frequently exhibited inappropriate sexual behavior over a two-year period and was twice diagnosed with "adjustment disorder with disturbance of conduct"; and a veteran who was twice arrested for indecent exposure and diagnosed with narcissistic personality disorder.

<sup>13</sup> ALCOAST 125/10.

<sup>14</sup> This decision is consistent with paragraph 26 of the Board's "liberal consideration" guidance, which states, "When a veteran's narrative reason for separation is a mental health diagnosis, such as 'Personality Disorder,' the Board shall liberally consider whether the circumstances of the case warrant changing the narrative reason to 'Secretarial Authority,' 'Condition Not a Disability,' or another authorized narrative reason for separation." DHS Office of the General Counsel, "Guidance to the Board for Correction of Military Records of the Coast Guard Regarding Requests by Veterans for Modification of their Discharges Based on Claims of Post-Traumatic Stress Disorder, Traumatic Brain Injury, Other Mental Health Conditions, Sexual Assault, or Sexual Harassment" (signed by the Principal Deputy General Counsel as the delegate of the Secretary, June 20, 2018).

