

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2015-048

██████████
SN (former)

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the applicant's completed application on March 12, 2015, and prepared the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated December 31, 2015, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant, who was honorably discharged from the Coast Guard on April 13, 1998, asked the Board to correct her military record by changing the narrative reason for separation on her discharge form DD 214. She alleged that the narrative reason for separation on her DD 214, "Personality Disorder," is incorrect because she was diagnosed with an adjustment disorder,¹ not a personality disorder.² In support of her claim, the applicant submitted copies of medical reports, which are included in the summary below.

Regarding the delay of her application, the applicant stated that she learned that she could get her DD 214 fixed only in 2014 and that she needs it to be fixed for employment purposes.

¹ An "adjustment disorder" is a psychological response to an identifiable stressor that results in the development of emotional or behavioral symptoms. Adjustment disorders are normally temporary and disappear when the stressors disappear. Adjustment disorders are not personality disorders. American Psychiatric Association, *DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, FOURTH EDITION, TEXT REVISION (2000) (DSM-IV-TR)*, p. 679. 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.

² A "personality disorder" is "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment." *DSM_IV-TR*, at 685. "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.

SUMMARY OF THE RECORD

On January 14, 1992, the applicant enlisted in the Coast Guard as a seaman recruit (E-1). Upon completing recruit training, she was initially assigned to a Marine Safety Office. She advanced to seaman (E-3).

In April 1994, the applicant was transferred to a training center and then enrolled in HS "A" School to earn the health services specialist (HS) rating. However, on August 2, 1994, she was disenrolled due to no-fault, academic reasons. Although she was allowed to immediately reenroll, she was disenrolled again for academic reasons on December 21, 1994.

Following her second disenrollment, the applicant was transferred to a boat station to train as a boat crewman, boarding team member, and communications watchstander. After the applicant delayed responding to a mayday call on March 13, 1995, and did not satisfactorily complete subsequent training, her CO determined that she would not be qualified as a watchstander but noted that it was not due to any lack of effort on her part. The CO noted that the applicant's supervisors actually "hold a high regard for your strong work ethic and your ability to 'stick with it' when others would have quit." The CO reassigned her to other duties and on October 26, 1995, entered a Page 7 in her record highly praising her "tireless effort and quality of workmanship" on a job of preparing, priming, and painting the station's boat house and galley and repairing and painting more than 40 window shutters in very hot weather. Her work on similar projects earned her the award "Enlisted Person of the Quarter" from the local Group Commander for the period January 1 through March 31, 1996.

In 1997, the applicant was again enrolled in HS "A" School. However, a Page 7 in her record shows that on October 28, 1997, she was disenrolled "due to 'fault' self-disenrollment."

Following her third disenrollment, the applicant was assigned to a cutter. However, from January 12 to 16, 1998, she was hospitalized by the Coast Guard "for assessment of presumed psychotic symptoms." Her command advised the psychiatrist that aboard the cutter, she had demonstrated "near constant prayer, speech the content of which was hyper-religious as well as what were perceived to be potentially self-injurious behaviors and a preoccupation with what she described as a suicide spirit which she needed to pray constantly, fast and occasionally avoid swallowing her saliva, i.e., spitting it into a cup or napkin in an attempt to purge her system of the suicide spirit." The applicant told the psychiatrist that "the Coast Guard was interfering with her work for God" and that she wanted to leave the Coast Guard to pursue missionary work for her church. She admitted that she had "held a kitchen knife to her chest in response to which the suicide spirit left her body and an angel told her that she was now safe and need not punch the knife into her chest." But then the "suicide spirit reentered her body and that was why she was fasting and praying constantly and feeling the need to not swallow her saliva." When asked about her psychiatric history, the applicant told the psychiatrist that in 1995, she had swallowed about half a bottle of Benadryl but woke up the next morning with no ill effect and that in 1996, she had considered slashing her wrists but did not. The applicant denied any current suicidal thoughts. The psychiatrist spoke with the pastor of the applicant's church, who informed him that "with the exception of her belief that she needs to occasionally spit rather than swallow her saliva in order to purge the suicide spirit, all of her above-mentioned beliefs and habits were ... within the norm, according to her pastor, that is to be considered the normal belief pattern and a normal pattern of responses to those beliefs as delineated by her particular faith." The

psychiatrist found that the applicant had linear, logical and goal-directed thought processes and fair insight and judgment “given the subcultural context of her belief.” The psychiatrist diagnosed her with an “adjustment disorder, acute unspecified type” and recommended that she be administratively discharged because her “disorder [was] so severe that [her] ability to function effectively in the military environment is significantly impaired.”

At a follow-up examination on February 6, 1998, a physician’s assistant summarized the hospital report; noted that the applicant did not have a disability but an adjustment disorder that was not evident when she enlisted; and that she was not motivated to remain in the Service and had requested discharge. He noted that she met the criteria for an administrative discharge for unsuitability under Chapter 3.F.16.d. of the Medical Manual and 12.B.16.b.(2) of the Personnel Manual and recommended that she be administratively discharged.

On February 18, 1998, the applicant’s CO notified her that he was initiating her administrative discharge “by reason of unsuitability due to a medical diagnosis of Adjustment Disorder Unspecified.” The CO advised her that she could submit a statement on her own behalf and that he was recommending that she receive an honorable discharge.

On February 19, 1998, the applicant acknowledged receiving the notification. She submitted a statement claiming that one of her disenrollments from HS “A” School had been due to a school staff member lowering her test scores. She stated that “[a]fter six years of service and three attempts at HS “A” School, I now realize that I have wasted time pursuing a career path that I thought I wanted. The first two times I attended “A” School, I could not keep my average in anatomy and physiology. My last attempt in “A” School last year was not completed because I disenrolled because of spiritual problems. It affected my ability to concentrate and study. [Two petty officers] tried to encourage me to stay, but I could not handle school any longer at that time.” The applicant stated that she had no interest in earning a different rating, wanted to work as a missionary instead, and intended to get a degree in business to support herself.

In response to the CO’s recommendation, the Personnel Command issued orders for the applicant to be honorably discharged with the JFX separation code. On April 13, 1998, the applicant received an honorable discharge with a separation code of JFX (which means “personality disorder; 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”); “Personality Disorder” as the narrative reason for separation; and an RE-4 reenlistment code (ineligible to reenlist in the Coast Guard), pursuant to Article 12.B.16. of the Personnel Manual.

On December 18, 2014, the applicant underwent a mental health examination and testing pursuant to her employment. The report notes the Coast Guard medical records summarized above but states that the applicant claimed that the psychiatrist had exaggerated her symptoms. The applicant told the examiner that she had thought that prayer and fasting would help stop her depression and suicidal thinking and that she was able to put the knife down from her chest because the Lord told her not to end her life. The applicant also denied having been involuntarily hospitalized for five days and alleged that she had stayed in the hospital voluntarily and participated in counseling for five days because a friend notified her CO that she had previously attempted suicide. The report states that the applicant was given psychological tests, and her responses “suggest that she attempted to some degree to portray herself in a favorable light, as

being somewhat overly virtuous and well-adjusted” because the results of the testing would affect her employment. However, the report states that she “presented as someone who is experiencing few current psychological difficulties and low levels of emotional and somatic distress.” The psychologist made “no diagnosis” but noted the need to “rule out Unspecified Personality Disorder.”

VIEWS OF THE COAST GUARD

On August 18, 2015, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant relief and adopting the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC noted that the application is untimely but that although the applicant was diagnosed with an adjustment disorder, instead of a personality disorder, her DD 214 reflects a discharge due to a diagnosis of personality disorder. PSC stated that in 2009, the military created the JFY separation code with the narrative reason for separation “Adjustment Disorder” for members who are administratively discharged because of a diagnosed adjustment disorder. PSC alleged that the applicant was discharged properly in accordance with the policy in effect in 1998 because there was no specific separation code for adjustment disorders at the time and the JFX/Personality Disorder discharge was the “most applicable” one. However, because the JFY/Adjustment Disorder discharge has been established, PSC recommended correcting the applicant’s DD 214 to reflect a JFY separation code and “Adjustment Disorder” as her narrative reason for separation.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On August 29, 2015, the applicant responded to the views of the Coast Guard. She stated that she was simply depressed when she attempted suicide and did not have a personality disorder. She stated, “Just because I got weary and tired of some things that were going on in my life, attempted suicide, did not succeed and had counseling because I was asked to have it, that does not show that I have a Personality Disorder, Adjustment Disorder or any disorders at all.” She noted that she actually requested discharge and that she had worked hard and never had any discipline problems. She stated that she has earned an Associate’s Degree in Computer Business Administration, certificates in Medical and Nursing Assistance, and then switched careers and was recently hired as a corrections officer. She alleged that someone with either a personality disorder or an adjustment disorder would not be able to accomplish and handle everything she has accomplished and handled. She stated that her DD 214 should not state either Personality Disorder or Adjustment Disorder because she was just depressed at the time.

APPLICABLE LAW

Article 12.B.16. of the Coast Guard Personnel Manual in effect in 1998 (Change 27) authorizes enlisted personnel to be discharged by reason of unsuitability at the direction of the Commandant for inaptitude, personality disorders, apathy, defective attitudes, inability to expend effort constructively, unsanitary habits, alcohol abuse, financial irresponsibility, or sexual harassment. Article 12.B.16.b. of the Personnel Manual authorizes unsuitability discharges for members diagnosed with one of the “personality behavior disorders ... listed in Chapter 5, CG Medical Manual”

Article 5.B.2. of the Medical Manual (COMDTINST M6000.1B) lists personality disorders that qualify a member for administrative discharge pursuant to Chapter 12 of the Personnel Manual. Adjustment disorders are not included among the personality disorders listed. The list does include “personality trait(s) considered unfitting per paragraph 3-F-16.c.” Article 3.F.16.c. provides that personality and sexual disorders, personality traits, and “disorders of impulse control not elsewhere classified ... may render an individual administratively unfit [for duty] rather than unfit because of a physical impairment. Interference with performance of effective duty will be dealt with through appropriate administrative channels (see Section 5-B).”

Adjustment disorders are, however, listed in Article 5.B.3. of the Medical Manual, which states that they “are generally treatable and not usually grounds for separation. However, when these conditions persist or treatment is likely to be prolonged or non-curative (e.g. inability to adjust to military life ...) process in accordance with [Article 12 of the Personnel Manual] as necessary.”

Article 3.F.16.d. of the Medical Manual states that adjustment disorders “do not render an individual unfit because of physical impairment. However, if these conditions are recurrent and interfere with military duty, are not amenable to treatment, or require prolonged treatment, administrative separation should be recommended (see Section 5-B).”

Article 1.E. of the Coast Guard Instruction for completing discharge forms states that a member’s DD 214 should show a separation authority, SPD code, and reenlistment code “as shown in the SPD Handbook or as stated by the [Military Personnel Command] in the message granting discharge authority.” The narrative reason for separation on the DD 214 must be whatever is specified by the Military Personnel Command.

The Separation Program Designator (SPD) Handbook states that members who are involuntarily discharged by direction “when a personality disorder exists, not amounting to a disability, which potentially interferes with assignment to or performance of duty” shall be assigned a separation code of JFX, a narrative reason for separation of “Personality Disorder.”

ALCOAST 252/09, issued on April 29, 2009, states that new separation codes have been established to address the situation in which a member is unsuitable for military service because of a diagnosed adjustment disorder that prevents the member from adapting to military life. The ALCOAST specifies that the new separation code JFY should be used when a member with less than eight years of service is involuntarily discharged due to a diagnosed adjustment disorder.

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 over this matter under 10 U.S.C. § 1552(a).
2. Under 10 U.S.C. § 1552(b), an application to the Board must be filed within three years after the applicant discovers the alleged error or injustice. The applicant in this case received her DD 214 showing the JFX separation code and “Personality Disorder” as her

narrative reason for separation more than 15 years before she filed her application. Therefore, her application is not timely.

3. Pursuant to 10 U.S.C. § 1552(b), the Board may excuse the untimeliness of an application if it is in the interest of justice to do so. In *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992), the court stated that to determine whether the interest of justice supports a waiver of the statute of limitations, the Board “should analyze both the reasons for the delay and the potential merits of the claim based on a cursory review.” The court further instructed that “the longer the delay has been and the weaker the reasons are for the delay, the more compelling the merits would need to be to justify a full review.”³

4. The applicant provided no compelling reason for her delay in applying to the Board. However, because her DD 214 appears to be prejudicially inaccurate and the Coast Guard has recommended that the Board grant some relief, the Board will waive the statute of limitations and consider the merits of the case.

5. The applicant alleged that the JFX separation code and “Personality Disorder” narrative reason for discharge she received in 1998 are erroneous and unjust because she was not diagnosed with a personality disorder. The Board begins its analysis in every case by presuming that the disputed information in the applicant’s military record is correct as it appears in her record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.⁴ 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.”⁵

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. 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.⁶ On the other hand, the Board has not removed the narrative reason “personality disorder” from the DD 214s of some veterans whose inappropriate conduct supported their diagnoses.⁷

³ *Allen v. Card*, 799 F. Supp. 158, 164-65 (D.D.C. 1992); see *Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

⁴ 33 C.F.R. § 52.24(b).

⁵ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

⁶ See, e.g., BCMR Docket Nos. 2009-106, 2008-127, 2007-221, 2007-028, 2005-082, 2005-045, 2004-044, and 2003-015.

⁷ 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

7. In this case, the applicant's military and medical records show that she was diagnosed with an adjustment disorder, rather than a personality disorder, while on active duty and that she was discharged because of the diagnosed adjustment disorder. The records show that her COs praised her for her hard work and determination to succeed, but also that her doctors concluded in 1998 that she could not adjust to military life because of certain behaviors that were not apparent when she enlisted six years earlier (spitting, constant praying, suicidal gesture with knife) and her desire to leave the Service to be a missionary. An adjustment disorder is a temporary response to a (normally) temporary stressor, such as military service, rather than a permanent condition, and an adjustment disorder is not a personality disorder.⁸ Because the applicant was not diagnosed with a permanent personality disorder but with a presumably temporary adjustment disorder based on her lack of adjustment to military life in 1998, after several years of successful service, the Board finds that the separation code and narrative reason for separation on her DD 214 are both erroneous and unjust. In this regard, the Board notes that in 1998, Article 12.B.16. of the Personnel Manual and the SPD Handbook authorized the JFY/Personality Disorder discharge for members diagnosed with a personality disorder by a competent medical authority; neither the manual nor the handbook mentioned adjustment disorders, although the Medical Manual stated that members unable to adapt to military life because of an adjustment disorder could be administratively separated.

8. The Coast Guard recommended correcting the applicant's DD 214 to reflect the new JFY/Adjustment Disorder discharge established in ALCOAST 252/09. Although the applicant alleged in her response to the advisory opinion that she was just depressed in 1998 and did not have an adjustment disorder, the Board finds that her records clearly show that she was diagnosed with an adjustment disorder because she was unable to adjust to military life in 1998 and was discharged because of the adjustment disorder. The new JFY/Adjustment Disorder discharge is appropriate for a member who is unsuitable for military service because of a diagnosed adjustment disorder that prevents the member from adapting to military life. Because the applicant's spitting, constant praying aboard ship, and suicidal gestures were not adaptive to military life, the Board agrees with the Coast Guard that the applicant's DD 214 should be corrected to reflect the new JFY/Adjustment Disorder discharge. Although this type of discharge did not exist in 1998, the Board is authorized to upgrade discharges in light of current mores and policies.⁹

9. Accordingly, the Board will order the Coast Guard to issue the applicant a new DD 214 showing that she was discharged due to an adjustment disorder with a JFY separation code. No other correction is warranted.

(ORDER AND SIGNATURES ON NEXT PAGE)

diagnosed with "adjustment disorder with disturbance of conduct"; and a veteran who was twice arrested for indecent exposure and diagnosed with narcissistic personality disorder.

⁸ See footnotes 1 and 2.

⁹ Memorandum of the General Counsel to J. Warner Mills, et al., Board for Correction of Military Records (July 8, 1976).

ORDER

The application of former SN [REDACTED], [REDACTED], USCG, for correction of her military record is granted as follows: The Coast Guard shall issue her a new DD 214 with a JFY separation code, instead of JFX, and with "Adjustment Disorder," instead of "Personality Disorder," as the narrative reason for separation.

December 31, 2015

