

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-099


E4 (former)

FINAL DECISION

This proceeding is conducted according to the provisions of 10 U.S.C. § 1552. The Chair docketed the case after receiving the completed application on April 23, 2024, and assigned it to an attorney to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision dated September 30, 2025, 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, through counsel, is requesting a reconsideration for a previous request made to the BCMR seeking to have his DD214 reason for discharge be changed from “unsuitability” to medical discharge and any related negative documents surrounding his discharge be removed from his record. The applicant asserts that his minor misconduct occurred due to his Post Traumatic Stress Disorder (PTSD) and the sexual harassment from his shipmates.

The applicant previously applied to the BCMR in 2021¹, which resulted in a denial of relief. The applicant previously alleged that prior to his release in 2007, his Command learned that he had been sexually assaulted by his sister when he was six years old and again by a neighbor. According to the applicant, his Command inappropriately shared this information with his shipmates and superiors, who then began to ridicule and harass him. The applicant alleged that this created an adverse and hostile work environment, which in return caused him to experience numerous panic attacks. The disclosure of this sensitive information occurred when the applicant transferred to a unit with a more intensive background check, which prompted questions on incidents of marijuana and poor sexual choices in his youth. Upon learning this information, the applicant claims the command inappropriately shared this private data, which spread throughout the unit leading to harassment and negative treatment towards the applicant including name calling of “faggot” and “homosexual.” The harassment got so bad the applicant contemplated suicide. The applicant decided to attempt to secretly record the treatment while working in a classified space, but when command

¹ Case file 2021-076.

discovered the tape recorder the applicant received a Non-Judicial Punishment (NJP) at Captain's Mast. The applicant feels his discharge for misconduct, which included tardiness to work, failure to pay debts, and failure to show respect to superior officers, was due to the perceived harassment. The applicant received an honorable discharge with a narrative reason of unsuitability.

The applicant presents the same request in upgrade to his DD214 and seeks a medical board to determine his newly diagnosed PTSD as the cause for his separation. The previous Board did not use liberal consideration when determining the applicant's request. The applicant asserts new information that qualifies review under liberal consideration for an upgrade to his DD214.

SUMMARY OF THE RECORD

On April 14, 2023, the BCMR confirmed a decision to the applicant denying relief. The following is an excerpt from the summary of the record from Final Decisions in BCMR Docket No. 2021-0076.

The applicant enlisted in the Coast Guard on September 30, 2003, where he trained as an Information Technology Specialist and advanced to IT3/E-4.

On October 7, 2005, the applicant received a negative Page 7 (CG-3307) and was counseled as follows:

PO [applicant] is being counseled this date, because of his inability to show up to work. As a Third Class Petty Officer, you are expected to show up to work on time and do the job you are assigned to do. You are also being counseled on being unreliable due to failure to pay debts. PO [applicant] has currently got most of his bills arranged through the Debt Management Association. PO [applicant] has gone through financial counseling at Consumer Credit Counseling Services on 25 Aug 2005. PO [applicant] is also instructed from this point on, he is to be reliable with his credit and not to risk financial disaster. Any future actions of this nature will result in disciplinary action according to the UCMJ.

On October 13, 2005, the applicant received another negative Page 7 for failing to show proper respect to a Chief Petty Officer and exhibiting behavior contrary to that of a Petty Officer. Specifically, the applicant was counseled as follows:

You are being counseled for failure to yield proper respect to a Chief Petty Officer and exhibiting behavior contrary to that of a Petty Officer. On 07OCT05 during a counseling session for another Page 7 your verbal communications and physical actions were disrespectful towards two [redacted] Chief Petty Officers. You are to conduct yourself as a Petty Officer should and always render respect to those you come in contact with here at [redacted], whether they are your superiors, subordinates, or your peers. Your verbal outbursts against this Command or others will not be tolerated. You are to keep your attitude in check. We expect that you will take the corrective action to prevent future incidents like this from happening. Keep in mind that you are to be an example as a Petty Officer that others can follow. Failure to show compliance with this entry will result in non-judicial punishment proceedings for your actions. You are to seek out and give a verbal apology to CPO [redacted] and CPO [redacted] whom you disrespected. On May 15, 2006, CGIS received a verbal request from the applicant's Commanding Officer (CO) for CGIS assistance into allegations that the applicant secretly recorded conversations in a classified space while performing duties. The CO was concerned that

classified information was compromised. CGIS was informed that the applicant allegedly made statements to coworkers that he recorded conversations while standing watch in a classified space. The applicant's security clearance and access to the classified information was revoked.

On May 16, 2006, the applicant received a negative Page 7 and was counseled as follows:

You are being counseled for failure to follow a direct order. While on watch 13 May, you were given a direct order repeatedly to answer a trouble call from your supervisor IT2 [redacted], yet you refused to answer the trouble call. Your blatant disrespect towards your supervisor, and those appointed over you, will not be tolerated. This kind of behavior is not appropriate of a third class petty officer. Any future actions of this nature will result in disciplinary actions according to the UCMJ.

On May 17, 2006, the applicant was interviewed by CGIS investigators regarding the alleged recordings. The applicant was advised of his rights under Article 31(b) of the Uniform Code of Military Justice (UCMJ). The applicant provided the following responses to CGIS investigators:

- a. On 13 May 2006, [applicant] had duty in the classified space of [redacted] with two coworkers, later identified as [redacted] and [redacted]. [Applicant] commented to his coworkers, he had recordings of them and other coworkers who were being verbally abusive toward him in the classified space. [Applicant] admitted he took a portable recorder into the classified space on several occasions to record his coworker's alleged verbal abuse toward him. He did not record classified radio communications and no member's voices were on any of the tapes surrendered. [Applicant] claimed 2 other tapes were damaged in his "overnight bag," which he subsequently threw away.
- b. [Applicant] believed he had been verbally harassed, concerning his sexuality, by many of his coworkers and he had spoken with the local Equal Employment representative, [redacted] regarding his allegations.
- c. [Applicant] surrendered two Panasonic MC-90 micro cassette tapes and one General Electric micro cassette recorder to CGIS. These were logged into CGIS [redacted] as evidence.
- d. [Applicant] volunteered to take a polygraph examination and provided a sworn written affidavit.

On 18 May 2006, S/A [redacted] reviewed the two micro cassette tapes in their entirety. Several short, unintelligible (approximately 3-5 seconds) excerpts were heard, no evidence was discovered of any verbal words or radio communications.

On May 26, 2006, the applicant received a negative Page 7 and was counseled as follows:

IT3 [applicant] is being placed on performance probation for a period of 6 months. Your performance has been unsatisfactory compared to your peers in your pay grade. You must take stock of your actions that have caused this situation to develop and take corrective action. Your performance must improve over the next 6 months or you will be considered for discharge.

The reasons for being placed on performance probation are: Failure to follow a direct order; failure to yield proper respect to a Chief Petty Officer; exhibiting behavior contrary to that of a Petty Officer; inability to show up to work on time; unreliability to pay debts.

On June 15, 2006, the applicant underwent a polygraph examination. The applicant was asked whether he recorded, sold, or transferred any recordings of USCG classified radio traffic to any person or entity. [Applicant] answered “No” to all questions. The results of the exam showed no deception on the applicant’s part.

On June 21, 2006, the applicant’s Command was briefed on the results of the CGIS investigation.

On July 27, 2006, the applicant was brought before Captain’s Mast regarding the results of the CGIS investigation. The applicant was charged with violating Article 92—Failure to Obey

Order or Regulation, of the UCMJ, for knowingly and intentionally entering a classified space with a personal recording device in violation of policy. The applicant was reduced in rate from- IT3/E-4 to FNIT/E-3.

On October 31, 2006, the applicant received a negative Page 7 and was counseled as follows:

On October 27, 2006, you failed to show up for work. Liberty was granted for personnel that attended a Command function. You chose not to attend. During this counseling session you were notified as to the consequences of not reporting to work in the future. By not showing up for work you have disrupted the daily routine in the Public Works Department. Your shipmates had to work that much harder. Your absence is unacceptable and will not be tolerated. Future failure to follow the unit’s instruction on a daily routine will result in further disciplinary action. You are reminded that your actions reflect not only on yourself but on the entire Public Works Department.

On December 7, 2006, the applicant’s CO issued a memorandum, “Discharge from Coast Guard,” wherein he informed the applicant that he had initiated discharge proceedings against the applicant. The CO stated that the reason for initiating discharge proceedings was the applicant’s failure to show up for work, pay his debts, and yield proper respect to superior officers.

On January 8, 2007, the applicant’s CO issued a memorandum, “Discharge Recommendation for FNIT [applicant],” wherein he recommended the applicant be administratively discharged. The CO cited the applicant’s many infractions, including his recent NJP to support his request. The CO stated that the applicant had been given multiple opportunities to correct his behavior, but a clear pattern had emerged showing that the applicant was simply unwilling to take responsibility for his actions. The CO did support the applicant receiving an Honorable discharge.

On January 8, 2007, the applicant submitted a “First Endorsement” wherein he acknowledged his CO’s notification but objected to his discharge and attached a statement in his defense. The applicant’s statement reads as follows:

I arrived at [redacted] on July of 2005 as a 3rd class petty officer out of “A” school in [redacted]. Since then and now, I have managed to lose my security clearance, encountered numerous amounts of page sevens, and was recently masted on

charges of espionage. The first page seven was obtained on 07 OCT 05, in regard to the inability to show up to work and failure to pay debts. It was my understanding at my last unit that as long as the debts were not in regard to gambling, then if I were a I could pursue the rate of an "IT." These debts were also debts that I had acquired before entering the Coast Guard. I told my recruiter that I had a lot of debt and asked if it would have any effect on me entering the Coast Guard. Obviously the answer was no because I was not only allowed to enter the Coast Guard but I also obtained a security clearance and was able to work as an IT. The second part of this page 7 states that I was late for work on this particular day. It was raining really hard and as I came down [redacted] my car slid off the road and ran into the ditch. I had to have a tow truck to escort me out of the ditch as well as the [redacted] Police Department and then notified [redacted] of my whereabouts and told him I would be at work as soon as possible. Once I got to work I was told that I needed to see at that time Chief [redacted]. When I arrived at the office I was given this page seven which at that time I felt was unfair because of the fact I had been trying to clean up my credit sense being on the [redacted] and I had also never had a negative page seven. On the day I received that page seven I lost my temper and received another page seven for disrespecting a Chief [redacted] that is when the real trouble had begun for me. For months I felt as if I were being harassed for being a homosexual. I took a tape recorder on to the deck to have proof that I was being harassed and was going to take it to Senior Chief [redacted] of MLC. On the 14th of May I was at the point where I had enough so I began to argue with people on the deck, at that time the phone rang and my supervisor asked me to pick up the phone, I did not and also stated that I had been recording them for months. At that point I was sent home and charged with articles c. d. and e. I did not realize the severity of what I did was wrong and told CG I did not have the tape recorder on the deck. I later told the truth and was punished under articles 92 and 107.

Through all of this I have taken on a second job, been involved in debt management and I have learned to trust my shipmates more and have respect for rank. Before arriving to this unit, I was sure that I knew everything that one needed to know about life. Fresh out of A School, I was sure that I was ready to fill my duties as a petty officer in the United States the Coast Guard. Apparently, I was sadly mistaken. In a matter of a year, I've gone from wearing my uniform with [pride] to feeling like I don't even deserve to wear this uniform. And seemingly through all of this some of my shipmates have decided to stick by my side. This command has only tried to help me physically, financially, and mentally, and through this process I have consistently maintained a resistance to what is right. I am at a loss for words in regard to why it even took this long to determine its time for me to separate from the United States Coast Guard. This command has only tried to teach me to think outward while I only persistently maintained to think inward. I consistently bit the hand that tried to feed me, and in [sum] I rightfully deserve what comes to me. I would like to thank the following individuals who tried to help me through all of the ups and downs:

[List Redacted]

I could use the fact that we have been in a time of war since September 11, 2001, and the military does not need individuals that think inward and can only force [the] organization to collapse from within. I now understand the situation that I went through and why it was essential for me to go through. I have made an effort to change my way of thinking by making positive steps to improve myself. For instance, I have taken on a part time job at the Navy Exchange. I am enrolled in

college which I am currently working on my degree as an IT. I am making an effort to get to know my shipmates after work hours by engaging in positive outdoors activities. The US Coast Guard has taught me lessons that my family hasn't even taught me. Everything I've gone through has only been to make me a better person, and at this point I feel that I've finally know what [redacted] was trying to teach me. I would like to also thank the USCGC [redacted] for attempting to shape an individual that really had a lot of growing up to do. I am very detrimental to the lessons that CAMSLANT has tried to teach me. It's a shame that I caught on too late. I would like to apologize to all of the individuals that tried to help me, this command and the entire organization. When I'm asked about the US Coast Guard there is nothing bad that I can say, but I always tell individuals inquiring about how the careers of US Coast Guard [that] it will change you for the better. If I am given a second chance through the second chance program I will make the best of this opportunity to regain the trust of my shipmates. Make a conscious effort to learn and enforce my life with the core values of honor, respect, devotion to duty.

On February 12, 2007, the applicant's Sector Commander endorsed the applicant's administrative discharge and forwarded the package to Commander, Personnel Command for action.

The applicant was honorably discharged on March 16, 2007, due to unsuitability.

Medical records submitted with the applicant's prior applications to the Board show that from 2014 through 2017, the applicant was being treated for "schizoaffective disorder, depressive type" with "auditory hallucinations" and an unspecified anxiety disorder.

On January 3, 2018, the applicant, being represented by counsel, applied to this Board and requested that his record be changed to reflect a medical/disability retirement with a 100 percent disability rating. The docket number assigned to this case was 2018-065. The applicant alleged that he was suffering from delusional thoughts and confusion in the Coast Guard as a result of his subsequent schizoaffective disorder diagnosis. According to the applicant, these thought processes and difficulties began to affect his work, his performance, and his conduct, which ultimately resulted in him receiving numerous personnel infractions. The applicant's attorney stated that the applicant was diagnosed in 2008 and that his mental condition is what prevented him from applying for relief sooner.

On April 23, 2018, the applicant voluntarily withdrew his application for relief.

On November 17, 2018, the applicant, being once again represented by counsel, contacted the Board and asked that his previous application be reinstated along with his previous arguments and evidence. The applicant was issued a second docket number, 2019-032. In addition to his original requests for relief, the applicant requested combat-related special pay and submitted over 500 pages of medical evidence. On September 23, 2020, the applicant voluntarily withdrew this application as well.

On April 23, 2024, the applicant applied to the BCMR for reconsideration based on PTSD and liberal consideration, which is the current application before the Board.

VIEWS OF THE COAST GUARD

On April 8, 2025, a Judge Advocate (JA) for the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Coast Guard Personnel Service Center (PSC).

The JA concurred with the PSC evaluation of the applicant's request for change to his DD214 is not supported by the applicant's assertions that new information for reconsideration has been presented. The Advisory Opinion (AO) reads that the applicant has not met the requirements for reconsideration.² The AO asserts this application should not have been docketed because this request was correctly denied previously and no new information has been presented. The applicant could have presented his PTSD for liberal consideration within his prior application but chose not to due to the advice of legal counsel, however the JA asserts this demonstrates a tactical decision rather than a discovery of new evidence previously unavailable.

The AO includes a Medical Advisory Opinion (MAO) dated March 6, 2025, that concurs with the commands decision to process the applicant for unsuitability and not through a medical discharge. The MAO compares the VA service-connected disability ratings of the applicant with the applicant own testimony that the most distressing traumatic events over his lifetime occurred during childhood. The MAO concludes that the applicant's trauma existed prior to service entry. The MAO claims that the events in service that potentially exacerbated the applicant's pre-existing trauma does not outweigh the basis for the applicant's separation, which was rooted in tardiness, repeated disrespect for higher ranking officers, and financial irresponsibility. The schizoaffective disorder lacks a rational nexus to the applicants conduct of recording shipmates in a secure space according to the MAO. The MAO states that the mental health condition of PTSD, schizoaffective disorder, or Sexual Harassment does not excuse the conduct or poor performance that adversely affected the applicant's discharge.

Furthermore, DHS Liberal Consideration Guidance provides that "[a] determination made by the VA that a veteran's mental health condition, sexual assault, or sexual harassment is 'service connected' is not binding on the Board but shall be considered persuasive evidence that the condition existed, or the experience occurred during military service." The BCMR is not bound by the U.S. Department of Veterans Affairs (VA) decisions.

The JA acknowledged the applicant admitted to a pre-existing trauma from childhood contributing to his diagnoses. The Coast Guard acted within its regulations and policies regarding the discharge of the applicant. The JA recommends the Board deny relief.

² Reconsideration: Applicants are entitled to reconsideration of a previous BCMR decision if: 1) the applicant presents new evidence or information that could have changed the result and was not previously considered by the Board, and could not have been considered by the Board given due diligence by the applicant; 2) present new evidence or information that the BCMR made a material error of fact or law.⁷ Applications for reconsideration must be filed within two years of the initial BCMR determination, although this statute of limitations may be waived in the interest of justice.⁸ "[T]he Chair shall not docket..." Applications for reconsideration that do not meet the requirements of 33 C.F.R. §52.67(a) and 33 C.F.R. §52.67(b).

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On June 23, 2025, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty (30) days. On July 20, 2025, the applicant, through counsel responded with a rejection to the AO.

The applicant explains that he struggled with PTSD during service and therefore was unable to prepare a proper application for the first application to the board. The applicant asserts that the previous Board failed to apply liberal consideration even though the applicant did allege sexual harassment in his first application, which is a trigger for review under liberal consideration. The applicant rejects the medical opinion provided within the Coast Guard AO stating that there is no nexus between the PTSD, trauma, and behaviors that led to the applicant's separation. The applicant states he experienced trauma from military training activities including firefighting school, swim training, and firearms qualification.

The applicant requests that liberal consideration be applied since his PTSD stems in part from experiences of "exposure to instruments of war" according to the applicant. He is now seeking consideration for medical retirement and Combat relations special compensation (CRSC).

APPLICABLE LAW AND POLICY

The Board may correct errors or remove injustices in a service member's records pursuant to 10 U.S.C. § 1552(a).

(1) Error can be defined as either legal and/or factual.

(2) Injustice, when not also error, is treatment by the military authorities that "shocks the sense of justice."³ In addition, the Board has the authority to decide whether an injustice exists in an applicant's record on a case-by-case basis. The application must file within three years after discovery or reasonably should have discovered the alleged error or injustice for a correction or relief.⁴

33 C.F.R. § 52.24 (a)

Burden of Proof: "It is the responsibility of the Applicant to procure and submit with his or her application such evidence, including official records, as the Applicant desires to present in support of his or her case."

33 C.F.R. § 52.24 (b)

Presumption of Regularity: "The Board begins its consideration of each case presuming administrative regularity on the part of the Coast Guard and other Government officials. The Applicant has the burden of proving the existence of an error or injustice by the preponderance of the evidence."

³ *Sawyer v. United States*, 18 Cl. Ct. 860, 868 (1989) citing *Reale v. United States*, 208 Ct. Cl. 1010, 1011, cert. denied, 429 U.S. 854, 50 L. Ed. 2d 129, 97 S. Ct. 148 (1976).

⁴ 33 C.F.R. § 52.22

33 C.F.R. § 52.67 (a)(1-2)

Reconsideration: Applicants are entitled to reconsideration of a previous BCMR decision if: 1) the applicant presents new evidence or information that could have changed the result and was not previously considered by the Board, and could not have been considered by the Board given due diligence by the applicant; 2) present new evidence or information that the BCMR made a material error of fact or law

33 C.F.R. § 52.67 (b)

The Chair shall docket a request for reconsideration of a final decision if it meets the requirements of paragraph (a)(1) or (a)(2) of this section. If neither of these requirements is met, the Chair shall not docket such request.

COMDTINST M1850.2D (May 2006) Physical Disability Evaluation System.

Chapter 2. Definitions, Presumptions, and Policies.

4. Aggravated by Service. A measurable or demonstrated increase in the level of a member's impairment in excess of that due to the natural progress of a disease or injury which occurs after a member enters active duty in the Coast Guard or during inactive duty training.

51. Service-Connected. This means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated in line of duty in the military, naval, or air service.

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 Discharge Based on Claims of Post-Traumatic Stress Disorder, Traumatic Brain Injury, Other Mental Health Conditions, Sexual Assault, or Sexual Harassment" (June 20, 2018) (DHS Liberal Consideration Guidance) provides, in most relevant part, that:

- Unless otherwise specified, the term "mental health condition" in this guidance refers to both diagnosed and undiagnosed mental health conditions, including PTSD and TBI.
- The Board shall waive the statute of limitations (if applicable) and liberally consider and reconsider veterans' requests for discharge modifications based in whole or in part on claims that a mental health condition, sexual assault, or sexual harassment either excuses the conduct or poor performance that adversely affected the discharge or otherwise warrants modifying the discharge.
- Requests for discharge modifications should not be denied based solely on the absence of a pre-separation diagnosis of the asserted mental health condition or the lack of a pre-separation report of sexual assault or sexual harassment.

- An honorable discharge does not require flawless military service. Many veterans who have committed some minor misconduct are separated with an honorable discharge.
- Liberal consideration does not mandate an upgrade. Relief may be appropriate, however, in cases of minor misconduct or other conduct or performance problems commonly associated with mental health conditions, sexual assault, or sexual harassment, and even in some cases of significant misconduct if it is sufficiently justified or outweighed by the facts and circumstances.
- Absent clear evidence to the contrary, a diagnosis rendered by a licensed psychiatrist or psychologist is evidence that the veteran has or had the diagnosed mental health condition.
- A diagnosis made by a licensed psychiatrist or psychologist indicating that a mental health condition existed during military service shall be liberally considered along with other evidence.
- A determination made by the VA that a veteran's mental health condition, sexual assault, or sexual harassment is "service connected" is not binding on the Board but shall be considered persuasive evidence that the condition existed, or the experience occurred during military service.
- The Board shall liberally consider whether the conduct or poor performance that adversely affected a veteran's discharge should be considered excused by a mental health condition or experience of sexual assault or sexual harassment that the Board believes to have existed at the time of that conduct or poor performance.
- The Board shall liberally consider whether a mental health condition or experience of sexual assault or sexual harassment that the Board finds to have existed at the time of separation outweighs the conduct or poor performance that adversely affected the veteran's discharge or otherwise warrants modifying the discharge.
- The Board may find that a veteran's misconduct is so severe that it should not be excused because of a mental health condition, sexual assault, or sexual harassment.

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 submission, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552(a) because the applicant is requesting correction of an alleged error or injustice in his Coast Guard military record. The Board finds that the applicant has exhausted his administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued.

2. The applicant requests the similar relief as was denied by the Board in a decision dated April 14, 2023. As such, the current application will be considered a request for reconsideration of

the Board's prior decision. Because the new application was received within 2 years of that decision, it is timely.⁵

3. As an initial matter, the Board does not find that the applicant's PTSD diagnosis and related information constitutes information not available to the applicant at the time of his previous application. Either the applicant or his previous counsel made a tactical decision not to raise the PTSD issue in his previous application, and according to our rules, that decision has consequences. Presenting information intentionally withheld from this Board at the time of his previous application does not constitute grounds for reconsideration. However, given the seriousness of the applicant's claims and our mandate to generally review cases of alleged PTSD with liberal consideration, we will analyze the applicants current application.

4. The applicant is requesting changes to his DD214 because he received a discharge for unsuitability with an honorable characterization. The applicant believes he should have received a medical evaluation and medical support prior to discharge. According to the applicant, had he received a medical evaluation he would have been found eligible for a medical discharge. The applicant received a VA rating of 100% service-connected disability for schizoaffective disorder, mixed type. Due to this rating, it has been determined by medical opinion that the applicant is unemployable, entitling him to Social Security Disability Income. However, the Coast Guard utilizes a different standard of review to determine disability ratings than that of the VA. Additionally, the applicant's file was reviewed by a psychiatrist under the U.S. Public Health Service, who independently reviewed the applicant's record in accordance with 10 U.S.C. 1552(g), and claimed that there is no direct connection between the applicant's service and his VA diagnosis of schizophrenia.⁶ Additionally, the applicant could perform his duties when reporting for duty but struggled with tardiness, respect towards others, and financial responsibility. The trigger for a medical board while serving is an illness that impacts the service members ability to perform their specific duty. The link between the decisions made by the applicant in his work performance and his mental illness is not clearly connected. The applicant in his statement to command in response to being recommended for discharge shares that he is surprised it took this long for command to recommend discharge and that he appreciates all that the command has done to help him. The applicant appears to have accepted his discharge at the time of his separation in 2007. The applicant writes with remorse for not performing at the caliber he knew he could. This shows the applicant's apparent understanding and appreciation that tardiness, disrespect, and financial irresponsibility is not appropriate conduct for a Coast Guard member despite his frustrations towards other members.

5. Liberal consideration requires the Board to accept the testimony of an applicant, and a valid medical diagnosis of PTSD weighed against dissenting medical opinion. In the past decision, docket no. 2021-076, the applicant did not assert PTSD even though he could have raised this issue. The Board reviews the applicant's claim that due to his PTSD from the sexual harassment of being teased and name called at his unit, he struggled to perform his Coast Guard duties to the standard required. Including failing to be on time to work, being disrespectful at work, violating security protocols by recording shipmates in secure spaces without their knowledge, and lacking financial responsibility. The Board understands the applicant experienced sincere trauma prior to joining the

⁵ 52 USC 1552(D); 52 C.F.R. 52.67(e).

⁶ Psychiatrists assessment dated June 6, 2019 from US PHS.

Coast Guard and experienced trauma during homelessness after discharge from the Coast Guard. When the applicant was reviewed by the VA, a service-related connection of PTSD was formed as well as schizoaffective disorder. Contrary medical opinions assess the applicant of having these struggles due to his life encounters prior to the Coast Guard and that the type of discharge (unsuitability) matched the behavior from the applicant. Tardiness and disrespect may show avoidance tendencies found in PTSD, however financial irresponsibility and the decision to secretly record co-workers in a secured space are not the common markers for PTSD but align with unsuitability.⁷

6. The applicant's response to the AO included a new request for medical retirement consideration and combat related special compensation (CRSC). The applicant does not qualify for CRSC because he was not exposed to "instruments of war" in the spirit of the guidance, which includes operating military vehicles, weapons, or chemical agents.⁸ The applicant was not exposed to military vehicles meant for use in war, weapons used for use in war, or chemical agents. The applicant went to the gun range to shoot a handgun used by law enforcement throughout the country but not recognized as a weapon of war. This is why civilians can purchase the same size rifle or pistol as what the applicant would have shot during his time as a Coast Guard member. The applicant states his trauma stems from participating in the required schools to complete his job assignment within the Coast Guard such as firefighting school and swim training. This assertion further highlights the applicant's unsuitability and need for separation rather than a medical concern. These training requirements are standard for all enlisted members of the Coast Guard and performed in the initial eight (8) weeks of bootcamp completed at TRACEN Cape May. The applicant shared in his personal statement that his initial experience in the Coast Guard was positive until his final unit. At this unit the applicant struggled with juggling the responsibility of arriving on time, respect for superiors, and financial management. According to the applicant, he also faced sexual harassment in the form of teasing and inappropriate statements from shipmates regarding his sexual preference and childhood trauma that was incorrectly released to the unit. The applicant will receive a review under liberal consideration for the service-connected PTSD assigned by the VA weighed against the medical opinion shared by the Coast Guard.

7. The standard for evaluating a member for physical disability occurs because "the disease or injury began during service or was aggravated through military service."⁹ The applicant had a traumatic childhood and the interactions during service, while unacceptable, do not establish that the applicant's mental struggles are due to his time in service.

8. The Board has reviewed the four (4) key questions used to apply liberal consideration and if it should be granted to the applicant. The Coast Guard has provided a medical opinion complete with their response to each question with a result that the applicant does not qualify for liberal consideration because he had a pre-existing trauma, and the negative behavior has an

⁷ MEDICAL ADVISORY OPINION ICO CG BCMR DOCKET NO. 2024-099 POWELL; at paragraph 5a. "the willful and purposeful act of the use of an electronic device to record others in a controlled space over several months cannot be explained by PTSD/MST nor schizoaffective disorder." See paragraph 6a. "The magnitude of the offenses in this case, given full liberal consideration to all reviewed mental health conditions submitted by the applicant, does not fully mitigate the misconduct and the discharge reasoning."

⁸ VA.gov/resources/combat-related-special-compensation-crsc/, qualifying members were exposed to instruments of war such as a military vehicle, weapon, or chemical agent.

⁹ PDES M1850.2D May 2006

unsuitability pattern more than the characteristics of PTSD. The applicant provided their response, which claims they do qualify for liberal consideration because they had accomplished success in the Coast Guard for a few years before the issues arose and sexual harassing comments were made towards the applicant.

a. *Does the applicant have a mental health condition or experienced a sexual assault or sexual harassment that may excuse the conduct or poor performance that adversely affected the discharge or may otherwise warrant modifying the discharge?* This Board recognizes the PTSD diagnosis by the VA and accepts the applicant's testimony that he endured sexual harassment in the form of verbally inappropriate comments by his shipmates. However, the Board does not find this diagnosis to be the reason for the applicant's discharge.

b. *Did that condition exist, or experience occur during service?* The Board recognizes that the condition is partially service-connected due to the sexual harassment endured by the applicant, however the greatest trauma to create PTSD and other mental health concerns most likely arose during childhood. The applicant explains this was the most traumatic time in his life.

c. *Lastly, does the condition or experience excuse the conduct or poor performance that adversely affected the discharge; or does the condition or experience outweigh the conduct or poor performance or otherwise warrant modification of the discharge?* The last question is either/or when reviewing the applicant's conduct does the PTSD excuse the behavior. The Board does not recognize the correlation between PTSD and the reasoning for the applicant's discharge (tardiness, disrespect, and financial irresponsibility). Therefore, the applicant may have service-connected PTSD, but it does not excuse the behavior for which the applicant was discharged.

9. The Board, in full view of all facts, assertions, and applicable laws, denies relief. Liberal consideration does not alleviate the applicant of his conduct. The applicant is denied relief of having his DD214 adjusted to a medical discharge with a reason for separation to read Secretarial Authority. Additionally, the applicant's request is denied consideration medical retirement or consideration for combat related special compensation.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former E4 [REDACTED], USCG, for correction of his military record, medical retirement review, or consideration for combat related special compensation, is denied.

September 30, 2025

