

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2019-029

Discharge Issued

Character: Honorable

Narrative Reason: Unsuitability

SPD/RE Code: JFY / RE3

Authority of Discharge: COMDTINST M1000.4 ART 1.B.15

Date of Separation: 2017-04-17

DRB Decision

Character: No Change

Narrative Reason: No Change

SPD/RE Code: No Change / RE3L

New Authority: No Change

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for Adjustment Disorder which is not in itself a medical disorder, but a failure to adapt to military culture as defined by ALCOAST 252/09 and ALCOAST 562-08.

The applicant was a reservist who did not have any active-duty time and is not eligible to be issued a DD214 per COMDTINST 1900.4E which references DoDI 1336.01 Section 3, Article 2.d.(1). A Separation Authorization generated by Personnel Service Center, from which the DD-214 is derived, was provided.

The applicant appeared to have a genuine lack of understanding of military culture and their role within that culture. The applicant's command felt that the applicant exhibited grandiose, erratic thinking and behavior patterns which included acting impulsively and disobeying orders while underway in the small boat. The applicant's command referred the applicant to a psychologist for a fitness for duty evaluation which diagnosed them with Adjustment disorder with disturbance of conduct. NOT psychologically fit for full duty so not to be given access to weapons or classified material, but accountable for their actions and subject to normal channels of discipline. Recommended treatment: pharmacological and/or psychotherapy. The psychiatric report noted that the doctor discussed with applicant the diagnosis. Applicant indicated to the doctor their understanding of the discussion.

The applicant's application states that (2 years after date of discharge) they visited a Coast Guard cutter just after the Change of Command for the purpose of meeting the Command from Washington who had just departed the cutter. The applicant then requested the ships office create travel orders for them to go to the closest SECTOR or USCG HQ, which was denied. The applicant noted on their application that they found this to be less than helpful. The applicant then reserved airfare via SATO for USCG HQ for the purpose of meeting with the Discharge Review Board (unscheduled) and completed the application for DRB while at the airport. The applicant then contacted the nearby SECTOR, speaking to a member in the Administration department, who would not assign a yeoman to assist in authorizing this travel with SATO as the applicant was no longer affiliated with the Coast Guard.

The Board noted that a discharge for adjustment disorder is not in itself a medical disorder, but a failure to adapt to military culture. However, the mental health evaluation provided by the applicant as proof of fitness for duty did diagnose the applicant with a psychiatric Adjustment Disorder with the caveat that they remained accountable for their conduct and any disciplinary action.

The Board discussed the applicant's willful disobedience to orders from the senior coxswain in the small boat. Roles and responsibilities of a coxswain are governed by Coast Guard Regulations, COMDTINST M5000.3, which

describe the senior coxswain as having the ultimate authority to issue orders to a boat crew without discussion in order to ensure the safety and conduct of the crew. It was agreed that the applicant's impulsiveness put other crew members in danger.

Additionally, the applicant's appearance and statements to the Board and DRB staff, both in person and via email, corroborated the observations made in the psychologist's report and the applicant's commands discharge determination of unsuitability for continued military service. The Board observed the applicant display erratic behavior, angry outbursts, refusal to take any accountability, and a persistent non-compliance to direction / protocol / customs and courtesies during several weeks of separate communications with the DRB staff and statements made when appearing before the Board.

It is also noted that the applicant was arrested, found guilty of second-degree trespass and misdemeanor stalking, and sentenced to 30 days in jail and three years of probation with ordered mental health treatment.

On the propriety standard, the Board referred to the SPD manual with regard to the Reenlistment Code for the applicant's separation. This discharge was inconsistent with the procedural and substantive requirements of regulation within the discretion of the separation authority. The former member was properly discharged for misconduct, however, the RE code issued is not in alignment with policy. The discharge authority assigned an SPD of JFY for adjustment disorder, not amounting to a disability which significantly impairs the member's ability to function effectively in the military environment. This SPD code authorizes RE-3G or RE-4.

Therefore, the Board recommends the RE-3 be amended to RE-3G.

An RE-3G reentry code is defined as condition (not physical disability) interfering with performance of duty and represents that the applicant would be eligible for reenlistment except for this disqualifying condition. Due to the circumstances of the discharge and disqualification, a request for a waiver may be submitted as part of the request for reenlistment through a recruiter of the gaining service.

Ultimately, the discharge issued met the standard and precedent for similar cases, was in accordance with prior and current separation policy, and was within the discretion of the separation authority. The Board finds the separation was both proper and equitable.

The applicant made a personal appearance before the Board by video via MS Teams:

Upon joining the meeting the applicant immediately addressed the Board by stating that they had just landed at the airport and scrambled to nearby military recruiting office adjacent to the airport to use a computer in order to attend the DRB. The applicant named an airport inconsistent with the location they provided. The applicant was noticeably disheveled and appeared to be wearing PT gear.

The applicant was duly sworn in and their official personnel record and previously supplied supporting documents were entered into evidence by the Board Recorder with no objection by the applicant. The

Presiding Officer then gave the applicant an opportunity to make a sworn or unsworn statement and to present any additional evidence.

Applicant: Well, with all due respect, I can only give my opinion under oath and it's not for lack of trying. I tried contacting the original psychologist who made the assessment, and she has declined because she does not believe she can make a good testimony, saying that she doesn't remember and that she would do more harm than good.

I've tried contacting my prior command and have had absolutely no luck. I've been blatantly ignored. I want to go back into the service, but not into the Coast Guard. The initial evidence submitted is a Coast Guard information sheet provided at my unit after discharge. I was told I was not going to be provided a DD-214, which is awfully peculiar to me that all of a sudden DD-214's are no longer provided.

You also have information provided by the psychologist showing there's no significant signs of mental instability. But looking at my discharge document it's a full-blown mental illness. With that said, I can't believe that an RE3

status code wasn't established. Based on the evidence I provided, it seems very much disproportionate to what was happening at that time, considering, if there was concerns about adjustment disorder, that it should have been taken care of and not neglected. Especially with my feelings towards going back into service. So that's what I have to say.

Presiding Officer: My next question for you was if you had a statement with respect to your discharge, but you covered that for us.

Applicant: What? When I was sworn into service and was discharged within three years? That was not part of the plan as a reservist. It's five years. What was happening at the station was that there were many members going IRR. And I was trying to get transferred and was going to go to school there. But I wasn't transferred from station to station and was instead discharged.

I believe it was blatant results of my chain of command no longer felt they wanted my service there or at all, and I felt like I was set up in a way because I was having issues with negative Page 7s that were uncalled for. And when I gave my voice during the disciplinary action -I was an E3, about 20 years old, I was sitting in front of two Chiefs - and I just felt like anything I had to say about it wasn't what they were looking for. Which, again, lead me to believe I was set up -they wanted me out. But the accusations and the type of discharge that they gave is really hard to disprove because, how do you know somebody's maladjusted? It's really hard to tell when somebody's maladjusted and not suited for service in that way. So I felt manipulated, and I feel like I had a lot more that I could have done for the service, then, instead asked to leave.

Presiding Officer: We appreciate your input and your feedback. Do any of the Board members have questions for the applicant? The Board members had no questions.

Applicant: At that time when I was at that station, I was a reservist, going through University. Two different worlds: it's a liberal arts college and the reservist section [at my unit] is a small part of the Coast Guard, but it was still militarized. And so those factors together may have caused an impact. But to say somebody's maladjusted, I thought, was a handicap not only for myself but for the service. You put training into personnel, and it just seemed like it went to waste.

Presiding Officer: Given [the applicants] statement, if there are no questions from the Board, this completes the proceeding. The Board is now closed for deliberation and [the applicant], will be advised of the result in writing as soon as it's available. YN1, please close the connection with the applicant.

RECOMMENDATION: The Board members thoroughly reviewed the applicant's record of service and all available documentation. The Board deemed that the applicant's character of service, reason for separation and reenlistment code are appropriate and should not be changed. The discharge was procedurally correct IAW Coast Guard Military Separations CIM_1000.4. The applicant has not substantiated any error or inequity.

In reviewing discharges, the Board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence (to include evidence submitted by the Applicant) to rebut the presumption.