

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2022-053

Discharge Issued

Character: Honorable

Narrative Reason: Unsuitability

SPD/RE Code: HFX / RE4

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

Date of Separation: 2021-09-09

DRB Decision

Character: No Change

Narrative Reason: No Change

SPD/RE Code: No Change / RE3G

New Authority: No Change

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for unsuitability due to a personality disorder following a medical evaluation.

The final recommendation was to process the applicant for separation due to a mental health disorder that left the applicant's ability to function in a military environment significantly impaired. The medical evaluation concluded the applicant had a specified personality disorder. In addition, the applicant had two negative CG-3307's in their personnel record documenting disrespectful and unprofessional conduct on numerous occasions.

The applicant was processed for discharge for unsuitably due to a personality disorder in accordance with COMDTINST M1000.4 Article 1.B.15. They were advised of the intent to discharge in a memo and advised of their right to seek counsel. The member exercised this right and consulted with a military lawyer. The applicant waived their right to provide a statement on their behalf and waived their right to an administrative separation board on the condition they receive an honorable discharge. In accordance with COMDTINST M1000.4 Article 1.B.15.h, the applicant underwent a psychiatrist evaluation prior to discharge. The applicant ultimately received an Honorable discharge with a narrative reason of Personality Disorder, an SPD code of HFX, and a reentry code of RE4.

In accordance with 10 U.S.C. § 1553, and as a result of the applicant's claim of a mental health condition (other mental health condition), a member who is a clinical psychologist that provides clinical care and works within the scope of clinical privileges granted by Commandant (CG-11), was present during the board. Additionally, and pursuant to § 1553, the Board reviewed the case with liberal consideration that a mental health condition (other mental health condition) potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

Liberal consideration of a case permits the Coast Guard to waive the statute of limitations, reconsider past events even without new evidence, and carefully consider all evidence, including evidence from outside the applicant's service record and changes in performance or conduct commonly associated with a mental health condition. Liberal consideration does not mandate an upgrade to an applicant's discharge.

The review of discharge pursuant to the Kurta Memo and its other applicable regulations and guidance involves the following four questions:

MEDICAL BOARD MEMBER OPINION

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

YES. Applicant had a medical evaluation completed while in service. The medical evaluation found that the applicant's mental health condition was such that their ability to function effectively in a military environment had been significantly impaired.

2. Did that condition exist/experience occur during military service?

YES. Applicant was diagnosed by a medical professional while in service.

3. Does that condition or experience actually excuse or mitigate the discharge?

YES. Review of the medical records supports that the applicant experienced MH decompensation associated with military service demands and diagnosis. Based on the recommendation of a qualified mental health professional at the time, expeditious separation was initiated in the best interest of the applicant with expectation of poor prognosis to thrive.

4. Does that condition or experience outweigh the discharge?

YES. While the original discharge appears reasonable at the time, the documentation from the VA conflicts with the original diagnosis. As personality disorder is notoriously difficult to diagnose, the conflicting opinions of mental health providers give pause to the original diagnosis. Further, the post service accomplishments of the applicant are not indicative of someone with a personality disorder.

The Board concurs with the assessment of the Board's Medical Officer. The Board finds the applicant's claim of inequity is justified. The Board finds there is sufficient evidence present in the conflicting diagnosis for a mental health condition that is notoriously difficult to diagnose. In addition, the applicant has provided evidence of post service accomplishments that are not indicative of an individual with a personal disorder. The Board finds that the applicant's military record and evidence presented to the Board, viewed in conjunction with the regulations under which the applicant was discharged, do not fairly justify the reentry code received. The Board finds an RE3-G is more appropriate in respect to this specific case and through the lens of liberal consideration. An RE3-G represents that the applicant is eligible for reenlistment except for a disqualifying factor interfering with performance of duty. Depending on 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. An SPD code of HFX allows for the issuance of an RE3-G.

RECOMMENDATION: The Board members thoroughly reviewed the applicant's record of service and all available documentation. The Board deemed that the applicant's reentry code is not appropriate and should not be changed. The applicant has substantiated an inequity.

Propriety: Discharge was proper.

Equity: Discharge is no longer equitable considering new evidence.

Board Conclusion: The Board voted 4-0 for RELIEF.

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.