

**DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2001-032

FINAL DECISION

ANDREWS, Attorney-Advisor:

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The BCMR docketed this case on January 24, 2001, upon receipt of the applicant's completed application.

This final decision, dated July 26, 2001, is 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, a former machinery technician third class (MK3; pay grade E-4), asked the Board to correct his military record by upgrading his reenlistment code from RE-4 (ineligible to reenlist) to RE-3 (eligible to reenlist except for a disqualifying factor; waiver required). He alleged that his _____, separation from active duty for "unsuitability" was unjust.

The applicant alleged that in _____ he was assigned to a station almost 500 miles from his family and friends and became quite homesick. He alleged that his job performance was fine and that he completed all of the qualifications required of him within a few months and was working toward advancement. However, he "had trouble adapting to [his] off-duty living." (His first billet had been much closer to home.)

The applicant alleged that because of his homesickness, he contacted the Coast Guard's Employee Assistance Program (EAP) in _____ and was referred to a social worker. He began attending counseling sessions with her and felt that

they were helpful. He also sought treatment from a contracting Coast Guard physician, who prescribed Prozac for him. He alleged that the physician never mentioned a diagnosis, a change in duty status, or an obligation to inform his command of the prescription. He alleged that soon after he began taking the Prozac, the physician switched his prescription to Zoloft because he “wasn’t feeling any changes.” After taking the Zoloft for a couple weeks, he told the physician at a follow-up appointment that he still could not feel any change and did not like the side-effects of the drug. The physician then discussed with him three types of depression—chemical, physical, and situational—and they agreed that his was situational. Therefore, they decided that he should discontinue taking the Zoloft and continue with the counseling sessions, since he believed they were helping him deal with his homesickness and depression.

The applicant alleged that he continued attending counseling sessions and tried, without success, to find another member with whom he could swap billets so that he could work closer to home. However, when he had completed the maximum number of counseling sessions allowed by the EAP (five), he contacted a health services technician at his Coast Guard Group to see how he could receive more counseling. Shortly thereafter, his unit’s Officer in Charge (OIC), Executive Petty Officer, and Engineering Petty Officer called him in for a meeting to ask about his situation. The OIC put him on light duty for 30 days and referred him to a contracting psychiatrist.

The applicant alleged that he had two appointments with the psychiatrist, who advised him to adapt to his situation until an opportunity to move closer to home arose. After these appointments, his command ordered him to go to a Naval Hospital for evaluation by a clinical psychologist. He alleged that the psychologist discussed his diagnosis with him and advised him to continue counseling to overcome his homesickness. The psychologist also told him that he did not meet the criteria for inpatient admission, involuntary commitment, or medical board processing under the Physical Disability Evaluation System (PDES).

The applicant alleged that one week after he returned to his unit from the hospital, he met with the same three officers, who told him that he could choose to continue his assignment at the unit or be discharged. He alleged that they did not mention any possibility of further counseling but warned him that if he elected to be discharged, he might not be able to reenlist. The applicant alleged that he was “only given a few days to make a decision,” felt rushed, and did not have all of the information he needed. He alleged that he was allowed to speak with a member of the Coast Guard’s legal staff but was not certain he was asking the right questions about the consequences of his decision.

The applicant alleged that he elected to be discharged because he would not have received further counseling. He alleged that no one indicated that he could continue counseling or seek a transfer. Therefore, he felt that being discharged was his only option, even though his homesickness and depression were not affecting his job performance in any way. For example, he alleged, he “successfully served as the station’s Morale Officer, and was always planning events to keep the crew in a positive frame of mind.”

The applicant alleged that he was discharged one month later. He alleged that he “did not receive any documentation for review or action until the afternoon of [his] date of discharge, and still did not fully understand all of the ramifications.”

In support of his allegations, the applicant submitted two affidavits from Coast Guard members. A chief warrant officer who supervised the applicant at his first duty station from through stated that the applicant had been a very competent and effective member who learned quickly, gave “100 percent to the task at hand,” and showed very good judgment and integrity. He stated that the applicant was always cheerful despite long work hours and stressful situations.

A petty officer who was the applicant’s roommate and who worked in the same duty section at his final billet stated that the applicant had been a “strong and respected leader” at the unit and was often consulted by junior members needing advice. He stated that the applicant often worked overtime voluntarily to help train and qualify other members. He stated that the applicant was a very hard worker who “work[ed] well with others” and that many members at the station were sad when he chose to leave the Coast Guard.

SUMMARY OF THE RECORD

On , at the age of 21, the applicant enlisted in the Coast Guard Reserve for a term of eight years under the delayed entry program. On , he enlisted in the regular Coast Guard for four years, through . After completing boot camp, he was initially assigned to a cutter near his hometown. He served on the cutter for about two years and then attended “A” School to become a machinery technician in . To attend “A” School, he had to obligate one more month of active service by extending his enlistment contract through .

On , after graduating from “A” School, the applicant was assigned to a Coast Guard station approximately 500 miles from his hometown. The applicant also received several strong evaluations for his work at the station.

In addition, on _____, the station's OIC made an entry in his record commending him for his superior performance as the unit's Morale Officer. On _____, he made an entry commending the applicant for his work for the engineering department and for his help in setting up a new engine room.

On _____, the applicant attended sick call and stated that his counselor had recommended that he take an antidepressant. The doctor prescribed Prozac and told him to return in three weeks.

On _____, the applicant returned to the doctor for a follow-up. He reported that he had stopped taking Prozac three days earlier because he believed it was tiring him and slowing his thoughts. He reported that his motivation had increased and attributed it to the counseling sessions. The doctor increased his prescribed dosage of Prozac and asked him to return in six weeks.

On _____, the applicant returned to the doctor, complaining of feeling lethargic due to the Prozac. His prescription was changed to Zoloft.

On _____, the applicant returned to the doctor and stated that he had run out of Zoloft the week before and had not gotten more because he did not believe the Zoloft was helping him. He told the doctor he still felt very anxious and believed his problem was homesickness. The applicant said that he "hate[d] it here" and gave his doctor permission to discuss his problem with his station commander.

On _____, the applicant was evaluated by a psychologist in the Mental Health Department of a Naval Hospital. The psychologist noted that he "was referred by self and command to [the clinic] for consultation because of recent symptoms and lack of response to treatment." He noted that the applicant complained of having been depressed and anxious since he left his hometown region to attend "A" School and stated that he wanted to go home. The applicant reported "periods of emotional lability withdrawal, sleep disturbance, appetite disturbance, discouragement, financial worries, boredom, tension, memory problems, moodiness, edginess, difficulty concentrating, fatigue, indecision, bowel problems, stomach distress, irritability, tension headaches, loneliness, and a strong desire to transfer closer to his home." The psychologist concluded that the applicant would benefit from more intense psychotherapy and antidepressant medication but did not meet the criteria for medical board evaluation. He also made the following psychiatric diagnoses:

DSM-IV Diagnostic Impression:

Axis I: 309.28, Adjustment Disorder With Mixed Anxious and Depressed Mood, Moderate.

Axis II: 301.40, Obsessive-Compulsive Personality Disorder, Moderate, EPTE [existing prior to enlistment], With Narcissistic/Dependent/Avoidant Features.

Axis III: No general or specific medical conditions are reported or known at this time.

Axis IV: Routine Stressors of Military Life. Social Environment Stressors.

Axis V: 60-51 Moderate Symptoms and Difficulty.

On _____, the applicant was notified that his OIC was recommending that he be honorably discharged from the Coast Guard for unsuitability due to his personality and adjustment disorders and that he not be eligible to reenlist in any military service. The OIC stated that he was taking the action in accordance with the terms of the Medical Manual because of the applicant's psychiatric diagnoses. He advised the applicant that he was not entitled to a medical board but had a right to consult with an attorney and to submit a statement in his own behalf.

On _____, the applicant signed an acknowledgement of the notification. He indicated that he had consulted an attorney and was waiving his right to submit a statement in his own behalf. He also indicated that he did not object to his discharge or to receiving a reenlistment code that would prevent him from ever reenlisting in any military service.

On _____, the applicant's Group Commander asked the Coast Guard Personnel Command (CGPC) to discharge him for unsuitability due to his personality and adjustment disorders. He reported that the psychologist had concluded that the applicant's condition would probably not interfere with his performance of military duty but that he seemed to be "struggling with off-duty adjustment issues."

On _____, CGPC ordered that the applicant be honorably discharged by reason of unsuitability, in accordance with Article 12.B.16. of the Personnel Manual. CGPC ordered that he be assigned a JFX separation code.

On _____, 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"); a narrative reason for separation of "Personality Disorder"; and a reenlistment code of RE-4 (not eligible for reenlistment). He was discharged approximately seven months before the end of his enlistment.

Since his discharge, the applicant has received an Associate in Applied Science degree from a community college, and he has been accepted by a naval

shipyard apprenticeship program to train for a journeyman's certificate as a pipefitter.

VIEWS OF THE COAST GUARD

On May 29, 2001, the Chief Counsel of the Coast Guard submitted an advisory opinion recommending that the Board grant the requested relief by upgrading the applicant's reenlistment code to RE-3G and by upgrading his separation code to KDB.

An RE-3G code means that the veteran is eligible to reenlist despite having a condition that interfered with his performance of duty (but did not amount to a physical disability) as long as he receives a waiver through his recruiter. A KDB separation code means that the member was voluntarily discharged because retention on active duty would have imposed a hardship.

The Chief Counsel argued that the record indicates that the applicant's adjustment disorder—homesickness—was the primary cause of his discharge, rather than the personality disorder. He alleged that there is no evidence that the applicant's diagnosed disorders interfered with his performance of duty. He alleged that the doctor's reports indicate that the applicant was not mentally ill and had no thought disorders. He also alleged that there is no indication in the record that the diagnosed disorders were considered permanent.

The Chief Counsel alleged that in discharging the applicant, the Coast Guard was essentially complying with his request since the record indicates that his command gave him the option of staying. Therefore, he concluded that, although there is no evidence that the Coast Guard committed any procedural or substantive error in discharging the applicant in accordance with the provisions of the Medical and Personnel Manuals, he "will not contest" an order upgrading the applicant's RE and separation codes.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 31, 2001, the Chairman sent the applicant a copy of the views of the Coast Guard and invited him to respond within 15 days. The applicant responded on June 22, 2001, stating that he did not object to the recommendation of the Chief Counsel.

APPLICABLE LAW

Article 12.B.16 of the Coast Guard Personnel Manual authorizes enlisted personnel to be discharged by reason of unsuitability at the direction of the Com-

mandant 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”

Chapter 5.B.2 of the Medical Manual (COMDTINST M6000.1B) lists the personality disorders that qualify a member for administrative discharge pursuant to Article 12 of the Personnel Manual. The list includes obsessive-compulsive, narcissistic, dependent, and avoidant personality disorders. Adjustment disorders are not included among the personality disorders listed.

Adjustment disorders are, however, listed in Chapter 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] is necessary.”

Chapter 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 SPD Handbook includes the following combinations of codes and narrative reasons for separation which might apply to the applicant’s case:

SPD Code	Narrative Reason for Separation	RE Code	Separation Authority	Explanation
JFX	Personality Disorder	RE-4 or RE-3G	12.B.16	Involuntarily discharge [by direction] when a personality disorder exists, not amounting to a disability, which potentially interferes with assignment to or performance of duty.
JFV	Condition, Not a Disability	RE-4, RE-3G, or RE-3X	12.B.12	Involuntarily discharge [by direction] when a condition, not a physical disability, interferes with the performance of duty (Enuresis, motion sickness, allergy, obesity, fear of flying, et al.)
KDB	Hardship	RE-3H or RE-4	12.B.12	Voluntary discharge [by direction] when continued retention in the military service would impose a hardship including hardship

				when a member assumes responsibility for the support of a dependent.
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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 concerning this matter pursuant to section 1552 of title 10 of the United States Code. The application was timely.¹

2. The applicant requested an oral hearing before the Board. The Chairman, acting pursuant to 33 C.F.R. § 52.31, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation.

3. The record indicates that the applicant was discharged primarily because he was unhappy with his circumstances and felt very homesick. Although he was diagnosed with a personality disorder, there is no evidence in the record that it interfered with his performance of duty at all. His OIC apparently let the applicant choose whether to stay through the end of his enlistment or be discharged with the RE-4 and JFX codes, and the applicant voluntarily chose the latter course of action. Although the applicant suggested that his choice was forced by the Coast Guard's failure to offer him further counseling, he did not prove that he was actually denied any services to which he was entitled under Coast Guard regulations.

4. Given the applicant's psychiatric diagnosis and long-term complaints of homesickness, the Board cannot find that the Coast Guard committed any error in discharging him in accordance with Article 12.B.16. of the Personnel Manual, which authorizes unsuitability discharges for members with personality disorders. Under the SPD Handbook, members discharged because of personality disorders may receive on their discharge papers the JFX separation code, "Personality Disorder" as the narrative reason for separation, and an RE-4 or RE-

¹ Under 10 U.S.C. § 1552(b), applications must be filed within three years of an applicant's discovery of an alleged error or injustice in the record. The applicant was discharged on . The application was not received by the Board until October 23, 2000, and it was not completed and docketed until the Board received his military records from the National Personnel Records Center on January 24, 2001. However, the record indicates that the applicant signed and mailed his application and relevant evidence to the Board on October 20, 2000, prior to the expiration of the statute of limitations. Therefore, the Board finds that the application was timely filed.

3G reenlistment code. The applicant's commanding officer chose to give him an RE-4 code, purposefully making him ineligible for reenlistment.

5. The Chief Counsel recommended that the Board grant relief despite the lack of error in the applicant's record. He based his recommendation on the fact that the applicant's personality disorder had not interfered with his performance of duty and on the fact that the cause of the applicant's discharge—homesickness—is not necessarily a permanent condition.

6. The Board is reluctant to counteract the assessment of the applicant's commanding officer concerning his aptitude for further military service. However, the upgrade from RE-4 to RE-3 that the applicant requested would not make him automatically eligible to reenlist. He would still have to persuade a recruiter that the problem that caused his discharge no longer exists and that a waiver should be sought on his behalf to allow him to reenlist. Therefore, and in light of the Chief Counsel's recommendation, the Board finds that relief should be granted.

7. The Chief Counsel recommended that the Board change the applicant's SPD code to KDB, which denotes hardship, and his RE code to RE-3G. This is not a proper combination of codes according to the SPD Handbook. Members discharged for hardship receive an RE-3H code and must prove to their recruiters that the financial or familial hardship that caused their discharge no longer exists. Moreover, the Board finds that a "hardship" discharge and the RE-3H code are not reasonably descriptive of or appropriate to the applicant's situation. Hardship discharges are commonly awarded to members when their continued military service would cause a significant problem for their families because of the families' financial needs or a dependent's severe medical problem. There is no evidence in the record suggesting that the applicant's continued service would have troubled anyone but himself. Furthermore, with an RE-3H code, the applicant would be able to reenlist in any military service as long as he could prove that his enlistment would cause no hardship for his family. He would not have to satisfy his recruiter that homesickness would no longer be a problem.

8. The Board could grant relief simply by changing the applicant's RE code to RE-3G, which may properly be used with the JFX separation code according to the SPD Handbook. However, this would leave the JFX code and "Personality Disorder" as the narrative reason for separation on the applicant's discharge papers. As stated above, the record indicates that the applicant's diagnosed personality disorder was not the actual cause of his discharge but an excuse used by his command to allow him to leave the service. Although the Coast Guard's use of the JFX in the applicant's case is not clearly erroneous, it is not the most accu-

rate SPD code available and may be unduly prejudicial since it gives the impression that the applicant was discharged because of a severe personality disorder that rendered him unfit for duty. In the Board's experience, the JFX code is usually assigned to members whose personality disorders have resulted in significantly aberrant behavior or misconduct.²

9. In the past, the Board has corrected the records of applicants discharged because of adjustment disorders by changing their SPD codes to JFV, based on the finding that the words "Personality Disorder" on the applicant's DD 214 are unjust in light of the circumstances surrounding his or her discharge and the fact that veterans must show their discharge papers to future employers. *See, e.g.*, BCMR Docket No. 1999-050. The JFV code means that the member had a condition, such as motion sickness, obesity, or fear of flying, that interfered with his or her performance of duty. To be eligible to reenlist, the member must satisfy a recruiter that the condition no longer exists. The Board finds that the JFV code most accurately describes the circumstances of the applicant's discharge. The SPD Handbook allows members assigned a JFV separation code to receive an RE-3G reenlistment code, as recommended by the Chief Counsel.

10. Accordingly, the applicant's request should be granted by correcting his SPD code to JFV, his narrative reason for reenlistment to "Condition, Not a Disability," and his reenlistment code to RE-3G.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

² *See, e.g.*, BCMR Docket No. 1999-037 (member frequently exhibiting inappropriate sexual behavior over a two-year period was twice diagnosed with an "adjustment disorder with disturbance of conduct" and discharged with a JFX code and "Unsuitability" as the narrative reason for separation); BCMR Docket No. 1998-099 (member twice arrested for indecent exposure was diagnosed with a narcissistic personality disorder and discharged with a GFX code (which means the same thing as JFX except that the member is entitled to appeal his discharge before an Administrative Discharge Board) and a narrative reason for separation of "Unsuitability"); BCMR Docket No. 2000-142 (member diagnosed with a borderline personality disorder performed highly dramatic "suicide gesture" to try to hasten his release and was discharged with a JFX code, RE-3G reenlistment code, and "Personality Disorder" as the narrative reason for separation).

ORDER

The application of
record is granted as follows:

for correction of his military

- Block 26 on the DD 214 shall be corrected to show SPD code "JFV."
- Block 27 on the DD 214 shall be corrected to show reenlistment code "RE-3G."
- Block 28 on the DD 214 shall be corrected to show "Condition, Not a Disability" as the narrative reason for separation.

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Harold C. Davis, M. D.

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