

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2003-015

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FINAL DECISION

ANDREWS, Deputy Chair:

This proceeding was conducted under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The application in this case was received on February 16, 2001. The BCMR first docketed the case on September 12, 2001, as docket number 2001-127, upon receipt of the applicant's military records from the National Personnel Record Center. On February 15, 2002, the case was administratively closed and referred to the Coast Guard's Discharge Review Board (DRB) when the Chief Counsel of the Coast Guard informed the Chair that all of the record corrections sought by the applicant fell within the jurisdiction of the DRB and that the applicant had not exhausted his administrative remedies by applying to the DRB before applying to the BCMR, as required under the BCMR's rules at 33 C.F.R. § 52.13(b). However, in November 2002, the DRB notified the BCMR that it did not, in fact, have jurisdiction over the case, purportedly because medical issues that could theoretically result in money being owed to the applicant are involved. Therefore, the BCMR redocketed the case on November 25, 2002.

This final decision, dated October 30, 2003, 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 seaman apprentice (SA) who was honorably discharged from the Coast Guard on November 5, 1999, asked the Board to correct his discharge form (DD 214) by upgrading his narrative reason for separation from "Personality Disorder" to "something reflecting an Honorable character of service"; by similarly upgrading his separation code from JFX, which denotes an involuntary discharge due to a personality disorder; and by upgrading his reenlistment code from RE-4 (ineligible

for reenlistment). The applicant alleged that the narrative reason for separation, separation code, and reenlistment code on his DD 214 do not reflect the honorable character of his service.

SUMMARY OF THE RECORD

On July 21, 1998, the applicant enlisted in the Coast Guard and began boot camp. Prior to enlisting, he had completed a Report of Medical History, on which he stated that he had never been treated for a mental condition and had never suffered from anxiety or depression. On August 31, 1998, while still in boot camp, the applicant sought treatment for symptoms of depression, including loss of motivation, lack of energy, and feeling useless. He said that he wanted to leave the Service. A psychologist diagnosed him with an "Adjustment Disorder with Depressed Mood,"¹ found him fit for duty, and referred him for stress management training.

In October 1998, the applicant was assigned to a cutter. On February 1, 1999, he was counseled about being disrespectful to a second class petty officer and awarded 20 hours of extra duty. On his performance evaluation dated February 28, 1999, he received two marks of 2 (on a scale of 1 to 7, with 7 being best) in the various performance categories, four marks of 3, nine marks of 4, and a satisfactory conduct mark.

On August 31, 1999, the applicant received three marks of 2 on his second performance evaluation. These marks were documented on an administrative entry ("page 7"), which stated that he had failed to qualify as a security watchstander after eight months, when qualifying within three months is usual; that he had been transferred from the engineering department to the deck department in June 1999 because of a lack of interest and ability; and that he had then shown no potential to qualify as a helm/lookout watchstander. The page 7 also stated that he "consistently disrupted the workplace with his lack of commitment towards his duties," responded with apathy when counseled and given a second chance, and frequently challenged his supervisors when given new taskings. Another page 7 in the applicant's record documents his receipt of an unsatisfactory conduct mark on this evaluation "due to nonconformance to military rules, regulations, and standards." The cutter's executive officer (XO) noted that the applicant "has an obvious lack of enthusiasm and shows no commitment to any job he does."

On September 13, 1999, the XO sent the applicant for a mental evaluation because of his poor performance. The applicant told the psychologist that he had determined that "the military life is not for him" and wanted to leave the service but that he

¹ Adjustment disorders are psychological responses to identifiable stressors that result in the development of clinically significant emotional or behavioral symptoms. Adjustment disorders must resolve within six months of the termination of the stressor but may persist if the stressor is chronic or has enduring consequences. 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.

was concerned about the effect that leaving before the end of his enlistment would have on his future. The doctor diagnosed him with an "Adjustment Disorder," found him fit for duty, and stated that he would discuss the matter with the XO.

On September 20, 1999, the applicant's commanding officer (CO) informed him that he was initiating action to discharge him because he had been diagnosed with "an adjustment disorder rendering you unsuited for further military service." The CO informed him that he was recommending that the applicant receive an honorable discharge and an RE-4 reenlistment code, which would make him ineligible to reenlist. He also informed the applicant that he was entitled to submit a statement on his own behalf.

On September 22, 1999, the applicant submitted a statement indicating that he did not object to being discharged. His statement appears as follows:

I [name] was informed by the commanding officers of the [cutter] that due to psychiatric reasons not suitable for the criteria of the military and the standards of the boat. [sic] That I would see a medical professional for these same reasons listed above in regard to my honorable discharge from the service. [sic] I also state that there are military related medical issues that are self evident that are in relation to a military mind set. I hereby state that all the following information under the United States UCMJ is true. [sic]

On September 27, 1999, the applicant's command sent him for a psychiatric evaluation because of his "failure to adapt to CG expectations, failure to become qualified, poor interpersonal relations, and some anxiety and depressed symptoms." Dr. T, a psychiatrist in the U.S. Public Health Service, described the applicant as "morose" with "vague or evasive" thoughts. He stated that the applicant "recognizes he is in trouble" but was "not blaming others." Dr. T reported that the applicant admitted that he had been treated by a psychologist in 1996 for depression. He also reported that the applicant denied having hallucinations "[a]fter some prodding" but stated that he heard a comforting hum and had short "black-outs," anxiety, eye blinking, and feelings of depersonalization and déjà vu. Dr. T diagnosed the applicant with an "Adjustment Disorder with Mixed Anxiety and Depressed Mood" and with "Schizoid and Schizotypal Personality traits," but he reported that the applicant demonstrated "no ratable [mental health] disorder." He stated that the applicant's "[p]ersonality characteristics make successful adaptation to military not possible and predispose [him] to stress and depressive symptoms in cutter. Should no organic cause of his symptoms be discovered, then administrative separation by PERSMAN 12-B would be warranted." Dr. T further reported that the applicant was "[m]entally responsible to adhere to the right and can understand [the discharge] action contemplated."

On September 30, 1999, the CO requested authority to discharge the applicant under Article 12.B.16.b.(2) of the Personnel Manual with an honorable discharge and an

RE-4 reenlistment code because of the applicant's diagnosed adjustment disorder. He stated that

[s]ince reporting aboard, [the applicant] has had difficulty adjusting to the military lifestyle and life onboard a ship. He fails to consistently perform at a satisfactory level. He has failed to qualify at any of his assigned watch stations and is frequently distressed and distracted. Upon reporting aboard, he was assigned to the engineering department, but had difficulty at his assigned duties and working with others. In July 99, he was re-assigned to the deck department, but his performance and interpersonal relations difficulties persisted.

On October 7, 1999, the Coast Guard Personnel Command (CGPC) ordered the CO to discharge the applicant, in accordance with Article 12.B.16., no later than November 5, 1999, with a separation code of JFX, which denotes an involuntary discharge due to a personality disorder.

On October 29, 1999, the applicant was referred for another psychiatric evaluation because he was found talking to himself and his behavior was strange. The applicant told Dr. T that he could feel spiritual forces that others could not. Dr. T diagnosed him with a "Schizotypal Personality Disorder"² but noted that the existence of an "organic brain pathology" or "psychotic transformation" needed to be ruled out. He also noted that the applicant was "[a]t higher risk for transfer to psychotic [disorder] than his peers." Although Dr. T ordered a "sleep-deprived" electro-encephalogram (EEG) of the applicant's brain, no EEG results are in the record. Dr. T found the applicant to be "fit for discharge."

Six days later, on November 5, 1999, the applicant was honorably discharged with a JFX separation code, an RE-4 reenlistment code, and "Personality Disorder" as the narrative reason for separation.

In January 2000, the applicant sought psychiatric treatment. The psychiatrist found that he was "paranoid, psychotic, and angry." On June 16, 2000, the applicant

² According to the DSM-IV-TR, a someone with a "schizotypal personality disorder" experiences "a pervasive pattern of social and interpersonal deficits marked by acute discomfort with, and reduced capacity for, close relationships as well as by cognitive or perceptual distortions and eccentricities of behavior. This pattern begins by early adulthood and is present in a variety of contexts." DSM-IV-TR, p. 697. Family and adoption studies indicate that schizotypal personality disorder is part of "schizophrenia spectrum," along with schizoaffective disorder. *Id.* at 309.

was diagnosed with a “Delusional Disorder, Persecutory Type”³ and a “Psychotic Disorder, NOS [not otherwise specified].”⁴

On January 2, 2001, the applicant filed a claim with the Department of Veterans Affairs (DVA) seeking disability benefits. The DVA found that his mental condition, which had been diagnosed as “Schizoaffective Disorder”⁵ was service-connected, and it awarded him a 30 percent disability rating effective January 2, 2001. The DVA found that his service in the Coast Guard did not cause the disorder and that the disorder existed prior to his enlistment, but that his service likely “exacerbate[d] it or cause[d] it to present perhaps earlier or in a more difficult way for him.”

³ “Delusional disorder, persecutory type” is a psychotic disorder (rather than a personality disorder) characterized by delusions of persecution but with no prominent auditory or visual hallucinations. DSM-IV-TR, p. 323-25. All psychotic disorders are considered physical disabilities by the Coast Guard.

⁴ “Psychotic disorder, NOS” is a diagnosis made “if insufficient information is available to choose between Schizophrenia and other Psychotic Disorders (e.g., Schizoaffective Disorder).” DSM-IV-TR, p. 311.

⁵ “Schizoaffective disorder” is a psychotic disorder that is characterized by the symptoms of schizophrenia, such as delusions, hallucinations, disorganized speech, and grossly disorganized or catatonic behavior, plus a major depressive and/or manic disorder. The typical age at onset is early adulthood, and it is sometimes preceded by a schizoid, schizotypal, borderline, or paranoid personality disorder. DSM-IV-TR, p. 319-21. Family and adoption studies indicate that schizoaffective disorder is part of “schizophrenia spectrum,” along with schizotypal personality disorder. *Id.* at 309.

VIEWS OF THE COAST GUARD

On November 14, 2002, the Chief Counsel of the Coast Guard submitted an advisory opinion recommending that the Board deny the requested relief for lack of merit.

The Chief Counsel argued that the applicant's record "is replete with documentation of unsuitability during his service in the Coast Guard." He stated that the applicant had not presented sufficient evidence to overcome the presumption that his Coast Guard doctors and his chain of command had acted lawfully, correctly, and in good faith in diagnosing and discharging him. *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979). Moreover, he argued that the Coast Guard had acted in accordance with Article 12.B.16.h. of the Personnel Manual in that the applicant was diagnosed by a psychiatrist prior to his discharge and was found to have no ratable disabilities, to know right from wrong and be able to adhere to the right, and to understand why he was being discharged. The Chief Counsel argued that an adjustment disorder with schizoid and schizotypal personality traits counts as a personality disorder under Chapter 5.B. of the Medical Manual and that both adjustment and personality disorders are grounds for administrative separation.

The Chief Counsel pointed out that the applicant received all due process under Article 12.B.16.d. of the Personnel Manual and that he did not object to being separated. He also pointed out that if the applicant had answered questions about his history of mental health treatment on his pre-enlistment forms accurately, he could have been rejected for enlistment.⁶

In addition, the Chief Counsel stated that the applicant is misconstruing the meaning of his RE-4 and JFX codes and the narrative reason for separation on his DD 214. The Chief Counsel stated that the applicant's DD 214 accurately reflects the cause of his discharge and that a mental health disorder "is not to be confused with dishonor. In fact, there is nothing on his DD 214 to reflect anything but Honorable service." He alleged that, under COMDTINST M1900.4D, a member receiving a JFX separation code automatically receives an RE-4 reenlistment code unless an RE-3G code is authorized by the Commandant, which did not happen in the applicant's case.

The BCMR sent the applicant a copy of the views of the Coast Guard and invited him to respond. No response was received.

APPLICABLE LAW

⁶ In addition, the Chief Counsel pointed out that in 1997, the applicant was denied entry in the Air Force because of his entrance medical examination and yet stated on his application to the Coast Guard that he had never been rejected for military service because of a physical, mental, or other reason.

Administrative Separations for Unsuitability

Article 12.B.16 of the Coast Guard Personnel Manual (PM) authorizes enlisted personnel to be discharged by reason of unsuitability at the direction of the Commandant for several reasons, including inaptitude, personality disorders, apathy, defective attitudes, and inability to expend effort constructively. PM Article 12.B.16.b 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 paranoid, schizoid, and schizotypal personality disorders and “[p]ersonality trait(s) considered unfitting per paragraph 3-F-16.c.” That paragraph states the following:

Personality, sexual, factitious, psychoactive substance use disorders; personality trait(s); disorders of impulse control not elsewhere classified. These conditions may render an individual administratively unfit 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).

Chapter 5.B.3 of the Medical Manual states that adjustment disorders “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.” Chapter 3.F.16.d 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 12.B.16.d. of the Personnel Manual provides that every member discharged for unsuitability under the article shall be notified of the reason he is being considered for discharge and shall be allowed to submit a statement on his own behalf.

PM Article 12.B.16.h. provides that when a member is being considered for discharge for unsuitability and psychiatric considerations are involved, the member should be examined by a psychiatrist, if available, and “[h]is or her report will include [a statement about whether the member has a physical disability] and a statement whether the individual was and is mentally capable both to distinguish right from wrong and adhere to the right and has the mental capacity to understand the action being contemplated in his or her case.”

Under paragraph 4.d.(7) of COMDTINST 1910.1, members discharged for unsuitability under PM Article 12.B.16. are not eligible for separation pay.

Physical Disability Separations

Chapter 5.B.7. of the Medical Manual states that schizoaffective disorder and psychotic disorder NOS are disqualifying for military service and that members with these conditions should be evaluated by medical boards and processed for separation by reason of physical disability under the Physical Disability Evaluation System (PDES).

Chapter 2.C.2.a. of the PDES Manual (COMDTINST M1850.2C) provides that the “sole standard” for “making determinations of physical disability as a basis for retirement or separation shall be unfitness to perform the duties of office, grade, rank or rating because of disease or injury incurred or aggravated through military service.”

Title 10 U.S.C. § 1201 provides that a member who is found to be “unfit to perform the duties of the member’s office, grade, rank, or rating because of physical disability incurred while entitled to basic pay” may be retired if the disability is (1) permanent and stable, (2) not a result of misconduct, and (3) for members with less than 20 years of service, “at least 30 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs at the time of the determination.” Title 10 U.S.C. § 1203 provides that such a member whose disability is rated at only 10 or 20 percent under the VASRD shall be discharged with severance pay.

Chapter 2.C.5.a. of the PDES Manual provides that “clear and convincing evidence is required to establish the existence of any injury or disease before a member’s entrance into the Coast Guard.” Chapter 2.B.4. provides that “[i]njury or disease is presumed to be incurred in the line of duty. The presumption stands unless rebutted by clear and convincing evidence.”

Chapter 2.B.1. and 3. state that members are presumed to be fit for duty when they enter the Coast Guard and that “[a]ny increase in the degree of a preservice impairment which occurs during active service is presumed to be due to aggravation unless it is shown to be due to the natural progression of the disease or injury which existed prior to entry on active duty.” Chapter 2.C.5.b. states that “[w]hen accepted medical principles establish the existence of an impairment prior to entrance into service, no other corroborating evidence is necessary.” This provision includes psychiatric conditions when the evaluatee’s recall of his medical history prior to enlistment is credible or if there is clear and convincing corroborative evidence. Chap. 2.C.5.b.(3). Chapter 2.C.6.a. states that “[a]ggravation during Coast Guard service may not be found when the medical evidence confirms the increase in disability to be due solely to the natural progression of a disease or injury which is confirmed to have existed prior to entry.”

Separations for Misconduct

Article 12.B.18.b.(2) of the Personnel Manual authorizes CGPC to discharge a member for misconduct upon discovery that the member “[p]rocur[e]d a fraudulent enlistment, induction, or period of active service through any deliberate material misrepresentation, omission or concealment which, if known at the time, might have resulted in rejection.” It goes on to specifically encompass the concealment of the member’s pre-enlistment medical history. PM Article 12.B.18.a. states that the discharge may be honorable, general, or other than honorable.

Completing the DD 214

Article 1.E. of the COMDTINST M1900.4D 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 [CGPC] in the message granting discharge authority.” The narrative reason for separation on the DD 214 must be whatever is specified by CGPC.

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.
JFN	Disability, Existed Prior to Service, Medical Board	RE-3P	12.B.15.	Involuntary discharge [by direction] for physical disability which existed prior to entry on active duty and was established by a medical board.
JFV	Condition, Not a Disability	RE-4 or RE-3G	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.)

Under Article 12.B.4. of the Personnel Manual, a member’s commanding officer has authority to decide which of the permissible RE codes listed in the SPD Handbook the member is assigned. However, under PM Article 1.G.5., members may only be eligible to reenlist if their average evaluations marks in each performance category are at least a three. An RE-3 code means that the member is eligible except for a disqualifying factor, which is denoted by the attached letter.

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 10 U.S.C. § 1552. The application was timely.

2. The record indicates that, prior to the applicant's discharge, he was diagnosed first with an adjustment disorder with depressed mood during boot camp in August 1998; second, with an adjustment disorder with schizoid and schizotypal personality traits in September 1999; and third, with a schizotypal personality disorder in October 1999. On September 27, 1999, Dr. T, the psychiatrist who examined him for the Coast Guard, recommended that an "organic cause" of the applicant's symptoms be investigated. On October 29, 1999, Dr. T noted that the applicant's symptoms, including his talking to himself and feeling "spiritual forces" around him, might be the result of an "organic brain pathology" or "psychotic transformation" and that these possibilities should be investigated. However, Dr. T found him "fit for discharge," and six days later, the applicant was administratively discharged based on his previously diagnosed adjustment disorder. Two months later, the applicant was found to be psychotic, and his current diagnosis is schizoaffective disorder, which is a psychosis and physical disability that normally entitles a member to PDES processing and a disability separation. Medical Manual, Chapter 5.B.7.

3. The American Psychiatric Association's *Diagnostic and Statistical Manual*, which is used by the Coast Guard to diagnosis members' mental conditions, states that a diagnosis of schizotypal personality disorder is sometimes a precursor to schizoaffective disorder.⁷ In light of Dr. T's findings on October 29, 1999, and the fact that the applicant was diagnosed as psychotic about two months after his discharge, the Board finds that the symptoms that caused the applicant's discharge were in fact attributable to his incipient psychosis rather than to a permanent personality disorder. Although the Coast Guard apparently was not certain, at the time of the applicant's discharge, that he was becoming psychotic, the Coast Guard was aware that his symptoms might be due to a "psychotic transformation." In other words, the Coast Guard knew that, rather than having merely a personality disorder, the applicant might have an incipient psychosis.

4. Hindsight is 20/20, however, and the Coast Guard could not know for sure, at the time of the applicant's discharge, that he was developing a physical disability – schizoaffective disorder. The *Diagnostic and Statistical Manual* does not state that all people diagnosed with schizotypal personality disorders develop a psychosis.⁸ When a psychiatrist diagnoses a member with a schizotypal personality disorder that interferes with his performance of duty, the member may be administratively discharged with a JFX separation code, an RE-4 reenlistment code, and "Personality Disorder" as the nar-

⁷ DSM-IV-TR, p. 321.

⁸ See *Id.* at 697-701.

rative reason for reenlistment. PM Article 12.B.16.; Medical Manual, Chap. 5.B.; SPD Handbook. Because the record shows that the applicant was diagnosed with a personality disorder that strongly interfered with his performance of duty and that he received all due process under PM Article 12.B.16., the Board concludes that, given the knowledge available at the time, the Coast Guard committed no error in discharging him and assigning him an RE-4 reenlistment code.

5. The BCMR's mandate is not limited to correcting errors, however, but includes correcting injustices found in members' military records. Therefore, although the Coast Guard did not violate any regulations in discharging the applicant under PM Article 12.B.16., the Board must decide whether his DD 214 contains an injustice in light of the fact that the applicant was, at the time of his discharge, suffering from incipient schizoaffective disorder (a disability) rather than a permanent personality disorder.

6. "Personality Disorder" is the only narrative reason for separation in the SPD Handbook that constitutes a medical diagnosis. Members discharged for any medical (physical or psychological) condition other than a diagnosed personality disorder receive a non-specific narrative reason for separation, such as "Disability" or "Condition, Not a Disability." Given that the applicant actually had an incipient psychosis at the time of his discharge rather than a permanent personality disorder, the Board finds that the JFX separation code and narrative reason for separation on his DD 214 are, in hindsight, inaccurate and unjust. Although there are a limited number of separation codes available to the Coast Guard in the SPD Handbook, it is extremely important for veterans' discharge papers to be accurate, fair, and not unnecessarily prejudicial. Therefore, the Board finds that the applicant's separation code and narrative reason for separation should be corrected to reflect the fact that the true cause of his discharge was his incipient psychosis ("Disability") rather than "Personality Disorder."

7. On September 27, 1999, the applicant admitted to Dr. T that he had been treated for depression in 1996, prior to his enlistment. The record indicates that the applicant failed to disclose this important fact on his application for enlistment.⁹ Disclosure of his prior treatment for depression might have precluded his enlistment. The record also indicates that the applicant himself acknowledged that his mental condition was already interfering with his performance of duty on August 31, 1998, just six weeks after his enlistment on July 21, 1998. In light of this evidence, the Board is convinced that the applicant's symptoms of incipient psychosis began prior to his enlistment. *See* PDES Manual, Chap. 2.C.5.b. His mental disability was incurred prior to his enlistment.

⁹ The Board notes that the applicant could have been discharged for fraudulent enlistment under Article 12.B.18.b.(2) of the Personnel Manual.

8. Although the DVA concluded that the applicant's condition was probably aggravated or accelerated by his service, the Board finds insufficient evidence in the record to conclude that his service aggravated or accelerated the onset of his psychosis.¹⁰ There is no evidence of any traumatic incidents that could have aggravated or accelerated his condition. His evaluation reports and the statement of the applicant's CO on September 30, 1999, indicate that there was no significant decline in the applicant's performance and that his job performance was uniformly unsatisfactory throughout his year on the cutter. Moreover, Chapters 2.B.3. and 2.C.6.a. of the PDES Manual preclude a finding of aggravation when the increase in disability, if any, is attributable to the natural progression of a disease which is confirmed to have existed prior to entry.

9. The Board finds that the applicant's DD 214 should be corrected by changing his narrative reason for reenlistment to "Disability, Existed Prior to Service" to better and less prejudicially reflect his actual medical status at the time of his discharge. Although such determinations are normally made by a medical board, no medical board was required prior to the applicant's discharge because his incipient disability was only a matter of speculation at the time. The authority to be cited for disability discharges is Article 12.B.15. of the Personnel Manual, and the corresponding separation code under the SPD Handbook is JFN. The only allowable reenlistment code for a disability discharge is RE-3P, which means that the veteran is not eligible for reenlistment unless he can prove to the satisfaction of the Coast Guard that he no longer has a mental disability that might interfere with his performance of duty.

10. Accordingly, the Board should grant relief by correcting the applicant's DD 214 to show that he was discharged under Article 12.B.15. of the Personnel Manual with separation code JFN, reenlistment code RE-3P, and "Disability, Existed Prior to Service" as his narrative reason for separation.

¹⁰ In a BCMR case, the burden of proof for each element of the case rests with the applicant. 33 C.F.R. § 52.24(b).

ORDER

The application of former xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is granted as follows:

Block 25 on his DD 214 shall be corrected to show that he was discharged under the authority of Article 12.B.15. of the Personnel Manual (COMDTINST M1000.6A).

Block 26 shall be corrected to show that he received the separation code JFN.

Block 27 shall be corrected to show that he received reenlistment code RE-3P.

Block 28 shall be corrected to show "DISABILITY, EXISTED PRIOR TO SERVICE" as the narrative reason for separation.

The Coast Guard shall issue the applicant a new DD 214 with these corrections made in the original (not by hand and not by issuing a DD 215).

No other relief is granted.

Janis Monk

Dorothy J. Ulmer

Thomas H. Van Horn