

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2007-028

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FINAL DECISION

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 Chair docketed the case on November 24, 2006, upon receipt of the completed application, and assigned it to staff member J. Andrews to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated August 30, 2007, 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, a former boatswain's mate third class (BM3; pay grade E-4) in the Coast Guard, asked the Board to correct his record by reinstating him on active duty or, if not, by upgrading his reenlistment code to RE-1 (eligible) and changing his narrative reason for separation "appropriately." The applicant was honorably discharged on March 11, 2005, with an RE-4 reenlistment code (ineligible) and "personality disorder" as his narrative reason for separation. By order of the Commandant following review by the Discharge Review Board, the applicant's narrative reason for separation was corrected to "unsuitability" by means of a DD 215. His discharge form, DD 214, still bears the words "personality disorder," however, and his separation code is JFX, which means that he was involuntarily discharged due to a personality disorder.¹

¹ A "personality disorder" is "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment." American Psychiatric Association, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, FOURTH EDITION, TEXT REVISION (2000) (DSM-IV-TR), p. 685. Types of personality disorders include paranoid, schizoid, schizotypal, antisocial, borderline, histrionic, narcissistic, avoidant, dependent, and obsessive-compulsive. *Id.* "The diagnosis of Personality Disorders requires an evaluation of the individual's long-term patterns of functioning The personality traits that define these disorders must also be distinguished from characteristics that emerge in response to specific situational stressors or more transient mental states The clinician should assess the stability of personality traits over time and across different situations." *Id.* at 686. 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.

The applicant alleged that he does “not suffer from a personality disorder or any other dysfunctional behavior.” He alleged that the doctor made the diagnosis after speaking with him for only 30 to 45 minutes, which, according to the Diagnostic and Statistical Manual of Mental Disorders (DSM), is too short a time in which to make such a diagnosis. He alleged that he was incorrectly and unfairly diagnosed with a permanent personality disorder based solely on his two attempts at suicide.

The applicant stated that the Coast Guard’s doctor assumed that there was something permanently wrong with him because of his suicide attempts. However, after he was discharged, the applicant consulted five different doctors, who did not diagnose him with a personality disorder or any other psychiatric disorder. The applicant alleged that his attempts at suicide were the result of a severe but temporary depression caused by his break-up with his girlfriend and a temporary adjustment disorder,² which is not a personality disorder. He stated that his girlfriend had broken up with him because of his “jealousy and mistakes” but that he had loved her dearly.

The applicant alleged that he should not have been discharged because there was no reason to discharge him since he had and has no personality disorder. Therefore, he requested reinstatement on active duty. If that is not possible, he asked for an RE-1 code and the right to reenlist without any loss of rank. He asked to appear in person before the Board.

The applicant submitted many documents in support of his allegations, including

- an email from the former commanding officer of the cutter, whose tour ended in August 2004, stated that the applicant’s “performance and professionalism were always exceptional” and that he “demonstrated good leadership and strong team skills and was about to be promoted to BM2 and transferred to a small boat station”;
- an email from a fellow BM3 aboard the cutter, who stated that the applicant was a quick learner and an exceptional worker who performed his duties “at the highest standards due to his required perfection”;
- an email from a master chief petty officer, who stated that he had spoken with the applicant by phone; that the applicant seemed normal during their telephone conversation; that he was concerned that the Coast Guard had reacted too fast in discharging the applicant for behavior that occurred in a short period of time rather than for a long-term pattern of behavior; and that he had been discouraged when he asked about getting a second opinion for the applicant;
- a letter from the applicant’s supervisor at a retail store, who stated that the applicant always met his goals and easily built rapport with both coworkers and customers; and

² Adjustment disorders are defined as psychological responses to identifiable stressors that result in the development of clinically significant emotional or behavioral symptoms. Adjustment disorders are not personality disorders and normally disappear when the stressors disappear. American Psychiatric Association, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, FOURTH EDITION, TEXT REVISION (2000) (DSM-IV-TR), p. 679.

- a letter from the applicant's mother, who stated that the applicant had no history of mental health problems and that no one in the family had "ever noticed anything wrong or suspicious about [the applicant's] personality."

SUMMARY OF APPLICANT'S MILITARY RECORDS

On December 10, 2002, at the age of 20 years, the applicant enlisted in the Coast Guard. Upon enlistment, the applicant was counseled about the Service's drug and alcohol policies. His record contains several commendations for excellent performance, including a "Sailor of the Month" award for March 2003.

On December 31, 2003, the applicant was taken to a hospital emergency room by civilian authorities and treated for alcohol poisoning. This event was documented as an "alcohol incident." He was screened and found not to meet the criteria for alcohol abuse or dependence. On his performance evaluation dated January 31, 2004, the applicant received good marks except for low marks for Health and Well-Being, Responsibility, and Setting an Example, due to his alcohol incident. The applicant was referred to and completed all sessions of an Alcohol and Drug IMPACT Program at a Navy hospital on April 6, 2004.

On July 3, 2004, the applicant was counseled about installing history-destroying software on a government computer and using the computer to visit sexually-oriented websites. On his performance evaluation dated July 31, 2004, the applicant received mostly average marks but low marks for Monitoring Work, Safety, Integrity, Responsibility, and Setting an Example. His supervisor initially did not recommend him for advancement, commenting that he

is a fairly competent and intelligent individual who at times has difficulty taking his job seriously, and has great difficulty in being responsible for his actions. During this evaluation period he had been involved in an auto accident while racing, was issued a reckless driving ticket, had an alcohol[-related] situation and had been counseled and documented on the improper use of a government computer. When counseled about these matters, his conception is that it was wrong because he was caught. He flatly refuses to take responsibility for the alcohol[-related] situation, blaming it on an unknown reason, even when blood tests revealed no other chemical in his blood. He is unsafe on the roads, as attested by his driving record, which if kept up will most definitely harm himself and others. [The applicant] is unresponsive at times when reminded of basic safety precautions on the boat deck. [He] is a qualified BMOW and as such I expect him to show a greater level of responsibility. While he can work very hard on individual projects, he does not consistently present a positive example for junior sailors to follow. [He] has not shown the maturity or professionalism to perform the duties of a Petty Officer in the Coast Guard, and is not recommended for advancement.

On December 1, 2004, the applicant was advanced to BM3.

On December 15, 2004, the applicant was hospitalized at Madigan Army Medical Center after attempting suicide by overdosing on Vicodin. He explained that he had tried to end his life because of an argument with his girlfriend (a Coast Guard member), occupational dissatisfaction, and his sister's attempted suicide three days earlier. The applicant was released the next day with a doctor's Axis I diagnosis of "adjustment disorder with mixed disturbance of emotions and conduct." An Axis II diagnosis was "deferred," but a doctor noted that the applicant had narcissistic

and obsessive-compulsive traits. Upon his release from the hospital, the applicant agreed to a “contract for safety,” promising to seek help if he found himself considering suicide again.

On December 17, 2004, a physician’s assistant noted that the applicant was not fit for sea duty and was a candidate for administrative separation.

On January 1, 2005, the applicant was hospitalized again at Madigan Army Medical Center after overdosing on 30 tablets of 800 milligrams of Motrin each. He stated that he was trying to make his heartache go away because his girlfriend refused to get back together with him. The applicant denied symptoms of a major depressive disorder but “expressed interest in a trial of antidepressant medications to target symptoms of irritability and low frustration tolerance.” Therefore, he was prescribed 50 milligrams of Zoloft per day. The applicant received an Axis I diagnosis of adjustment disorder with mixed emotions and conduct and an Axis II diagnosis of narcissistic and histrionic traits. The doctor also noted that the applicant might also have a “personality disorder NOS” (not otherwise specified). On January 4, 2005, the doctor reported that he told the applicant’s chain of command “that there is no requirement for immediate discharge and that [the applicant] is recommended for a trial of duty. However, final administrative disposition is a decision for command and he should be discharged from active duty if he continues to struggle with suicidality and poor frustration tolerance.” The applicant was ordered not to attempt further contact with his former girlfriend.

On January 6, 2005, the applicant’s commanding officer notified him that he was initiating an honorable discharge for him “based on [his] diagnosed personality disorder.” He advised the applicant that he had a right to submit a statement on his own behalf.

On January 12, 2005, a staff psychiatrist at Madigan Army Medical Center examined the applicant. The applicant complained of feeling depressed and anxious for about one month because of a failed relationship. The psychiatrist also reported that the applicant had been seen briefly on January 7, 2005, “for evaluation of his fitness for duty,” because his command had questions about his emotional stability and the applicant was frustrated that he was not being allowed to get underway with his cutter, which was being deployed to the Middle East. The applicant was being evaluated again because of his “increased anxiety and desire to clarify his situation as he was worried after the discussion on 07 Jan that he would be discharged.”

The Army psychiatrist reported that the failed relationship was with a shipmate and that it had lasted four months but that the applicant considered it very serious. The applicant had “no history of any previous emotional problems,” had previously been “considered an excellent service member and had received commendations on numerous occasions and had been promoted ahead of his peers.”

After reviewing the applicant’s records, the Army psychiatrist reported that there was “[n]o evidence of a mood disturbance, but some long-standing coping mechanism that limits flexibility in decision making. He has above average intelligence and thus has the ability to master new information and skills quickly. He has extremely high standards for himself and others.” He also reported that the applicant’s “[r]ecent behavior has been impulsive as [he] has difficulty with situations he is unable to influence.” The Army psychiatrist reported that the applicant’s

prognosis was poor because of a pre-existing personality disorder that prevented adaptation to the military lifestyle and recommended that he be administratively separated. He also recommended that the applicant continue taking Zoloft and made the following diagnoses:

Axis I: Adjustment Disorder – Mixed 309.3

Axis II: Personality Disorder – Mixed type

Axis III: No medical conditions

Axis IV: Stressors: Occupational and lack of adequate social support system

Axis V: Global assessment of functioning:

Current: 51-60 Moderate impairment of functioning

Suicidal ideation is NOT present.

Homicidal ideation is NOT present.

Physical and mental capabilities and limitations: None

On January 13, 2005, the applicant submitted a statement on his own behalf objecting to his discharge. The applicant admitted that his behavior had been “pretty serious” but denied having a problem other than having gone “through a tremendous emotional pain like nobody could ever imagine.” He stated that the discharge “would literally destroy [his] life financially, professionally, and family-wise” and that he “would be left on the street.” He stated that he understands why nobody trusts him even though he had learned and matured from his experience. He asked for one last chance to make a career in the Coast Guard.

On February 11, 2005, the applicant asked to see the Army psychiatrist again and told him that he was seeking a second opinion since he was unhappy about being discharged. The applicant insisted that he was “now capable of handling stress and would never have a problem with his personal concerns leading him to consider suicide. He wants to remain in the Coast Guard or enter the law enforcement field.” The Army psychiatrist reported that the applicant’s reaction was “appropriate” when he would not be altering his diagnosis or recommendation.

On February 17, 2005, the applicant consulted a Navy clinical psychologist at a different hospital for a second opinion. On March 8, 2005, the psychologist noted that the applicant had an adjustment disorder with a depressed mood, which was resolving, and that he was referring the applicant for psychological testing to assess the previous Axis II diagnosis of personality disorder NOS (not otherwise specified).

On February 24, 2005, the applicant’s case was reviewed by the Area commander under the “second chance” waiver program, but the applicant was not granted a waiver. On March 4, 2005, CGPC ordered that the applicant be discharged no later than April 1, 2005, with a JFX separation code and an RE-4 reenlistment code.

On March 11, 2005, the applicant received an honorable discharge with an RE-4 reenlistment code, a JFX separation code, and “personality disorder” as the narrative reason for separation shown on his DD 214.

Following his discharge, the applicant sought mental health testing to prove that he does not have a personality disorder. On April 25, 2005, a clinical psychologist interviewed the appli-

cant for an outpatient psychosocial assessment and gave him an initial diagnosis of an adjustment disorder on Axis I and a personality disorder with traits deferred on Axis II. On May 5, 2005, a different clinical psychologist interviewed the applicant for another mental health examination and reported that the applicant had no mental disorders on either Axis I or II.

On June 1, 2005, a staff psychiatrist at a mental health clinic of the Department of Veterans' Affairs wrote that he had met with the applicant on May 17, 2005, and again on May 31, 2005, to discuss the results of his Minnesota Multiphasic Personality Inventory (MMPI-2) and Millon Clinical Multiaxial Inventory (MCMI-III) tests. The tests showed that the applicant is "a high energy individual with some impulsivity, also some narcissistic traits" but that he does not have a personality disorder or any other psychiatric disorder. The DVA psychiatrist gave the applicant a "deferred" Axis II diagnosis and an Axis I diagnosis of "adjustment disorder with disturbance of mood and conduct." He also wrote the following:

At present, [the applicant] does not exhibit [symptoms] consistent with a diagnosis of personality disorder. The recent severity of his response to separation from his girlfriend does, however, need to be clearly explained. At present, adjustment [disorder] appears to be the most likely diagnosis, and I would question the simultaneous diagnosis of adjustment [disorder] and personality disorder, as the former diagnosis would make the latter quite difficult to assess.

On May 9, 2006, the DVA staff psychiatrist reported stated that the applicant's psychiatric symptoms "had resolved completely" and that he had recently interviewed the applicant and his family and found "no evidence of any psychiatric illness or symptoms since my evaluation."

On June 9, 2006, after reviewing the applicant's evidence, the Discharge Review Board (DRB) recommended that the Commandant correct his record only by upgrading his reenlistment code from RE-4 to RE-3G, which would make him eligible for reenlistment except for a disqualifying factor—the diagnosis of personality disorder. The DRB noted that the applicant had appeared in person and was

sincere, articulate, and accepted responsibility for his past actions. In addition, the applicant submitted extensive documentation to refute the military psychiatrist's diagnosis of personality disorder. These recent psychiatric evaluations indicate he no longer has a personality disorder, is not a threat to self or others and does not possess suicidal tendencies. While this Board is not qualified to validate these medical diagnoses, the Board recommends upgrading his existing reenry code RE-4 to RE-3G which would allow his record to be reviewed by competent medical authorities to determine his suitability for future military service.

On June 23, 2006, the applicant began working in Iraq as a linguist employed by the Titan Corporation on a private contract with the Department of Defense.

On September 5, 2006, the Commandant disapproved the DRB's recommendation but ordered that the applicant's narrative reason for separation be changed from "personality disorder" to "unsuitability." This ordered correction was implemented by issuance of a DD 215.³

³ During the DRB proceedings, it was also noted that the applicant's first name was misspelled on his DD 214, so the misspelling was also corrected on the DD 215.

VIEWS OF THE COAST GUARD

On April 12, 2007, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant partial relief by correcting the applicant's narrative reason for discharge to "Condition, Not a Disability," his separation code to JFV, and his reenlistment code to RE-3G. The JAG adopted the findings and analysis provided in a memorandum on the case prepared by the Coast Guard Personnel Command (CGPC).

CGPC stated that the applicant was discharged in accordance with Coast Guard policy after he twice tried to commit suicide and was diagnosed with a personality disorder. CGPC stated that in January 2005, the applicant's conduct and medical condition supported his diagnosis of and discharge for personality disorder. CGPC pointed out that under the Coast Guard regulations, the applicant's diagnosed adjustment disorder, which he did not dispute, was also grounds for separation due to unsuitability with a JNC separation code (for "unacceptable conduct") and an RE-4 reenlistment code.

CGPC noted that the diagnoses received by the applicant after his discharge did not fully concur with the diagnoses made by the Army psychiatrist and recommended that the Board correct his record to show that he was discharged for a "Condition, Not A Disability" with the corresponding JFV separation code and an RE-3G reenlistment code under Article 12.B.12. of the Personnel Manual. CGPC stated that neither reinstatement on active duty nor an RE-1 is justified. CGPC stated that an RE-3G would not bar the applicant from further military service "but does require [him] to substantiate to the gaining Service that the conditions which led to discharge have been alleviated to the gaining Service's standards."

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 16, 2007, the Chair sent the applicant the views of the Coast Guard and invited him to respond. On May 25, 2007, the applicant responded from Iraq, stating that he does not object to the Coast Guard's recommendations except that he still wants his reenlistment code to be upgraded to RE-1 so that he would not have to prove to a recruiter that the conditions that led to his discharge have been alleviated and deferred, as he believes that he has already proved this fact to the Coast Guard, the DRB, and the BCMR.

APPLICABLE LAW

Article 12.B.16. of the Coast Guard Personnel Manual authorizes enlisted personnel with diagnosed personality disorders that are listed in Chapter 5 of the Medical Manual to be discharged by reason of unsuitability at the direction of the Commandant.

Chapter 5.B.2 of the Medical Manual lists personality disorders that qualify a member for administrative discharge pursuant to Article 12.B. of the Personnel Manual. Adjustment disorders are not included among the personality disorders listed in Chapter 5.B.2. of the Medical Manual. Chapter 5.B.3 of the Medical Manual states that adjustment disorders are generally treatable and may or may not be grounds for separation. Chapter 3.F.16.d of the Medical Manual states that adjustment disorders "do not render an individual unfit because of physical impair-

ment. 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 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.

Article 12.B.12.a.12. of the Personnel Manual authorizes enlisted personnel with a diagnosed “condition that, though not a physical disability, interferes with performance of duty” to be discharged for the convenience of the Government.

Article 1.E. of the Coast Guard Instruction for completing discharge forms states that a member’s DD 214 should show a separation 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.
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.)

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.

2. The record shows that after the applicant’s second attempt at suicide by overdose, his command initiated his discharge for unsuitability on January 6, 2005, in accordance with Article 12.B.16. of the Personnel Manual. The command noted a diagnosed personality disorder as the reason for this action although that diagnosis was still provisional, according to the medical records, and was not confirmed by an Army psychiatrist until January 12, 2005. The doctors who diagnosed the applicant while he was hospitalized apparently attributed his suicidal behavior primarily to an adjustment disorder, which is not a personality disorder and is usually temporary, as it disappears when the stressor disappears.⁴ Subsequent psychological testing has thrown some doubt on the accuracy of the Army psychiatrist’s diagnosis.

⁴ Coast Guard Medical Manual, Chap. 5.B.2.; DSM-IV-TR, p. 679.

3. The applicant asked the Board to reinstate him on active duty. Whether the applicant suffered from an adjustment disorder, a personality disorder, or both when he attempted suicide, however, the Board finds that the Coast Guard committed no error or injustice⁵ in discharging him. The Personnel Manual and Medical Manual permit the separation of members with diagnosed adjustment disorders, as well as those with personality disorders, and the applicant received due process under Article 12.B.16. of the Personnel Manual. The record shows that the applicant told doctors when he was being treated after his suicide attempts that he was unhappy not only because of his break-up with his girlfriend but also because of his unhappiness with his occupational situation—i.e., military service in the Coast Guard. Therefore, the Board finds that his command did not err in finding that he should be discharged for unsuitability under Article 12.B.16. of the Personnel Manual. Although psychological testing has cast doubt on the applicant's exact diagnosis, the Board is not persuaded that the Coast Guard was wrong to discharge the applicant after he twice tried to kill himself by overdosing on drugs. The Board notes that the applicant twice committed self-injury, which is a violation of Article 134 of the Uniform Code of Military Justice (UCMJ), and did so by wrongfully using controlled substances, which is a violation of Article 112a of the UCMJ.⁶ The applicant has not proved that he should be reinstated on active duty.

4. Because employers often demand to see former members' DD 214s prior to hiring them, it is very important for DD 214s to be fair and not to unduly tarnish members' records without substantial evidence. In light of the highly prejudicial nature of a discharge by reason of "personality disorder," the Board has often ordered the Coast Guard to correct the narrative reason on a DD 214 to "condition, not a disability" or some other less prejudicial reason when the diagnosis of personality disorder was uncertain or not supported by inappropriate behavior.⁷ On the other hand, the Board has not removed the narrative reason "personality disorder" from the DD 214s of some veterans whose inappropriate conduct supported their diagnoses.⁸

5. The applicant's current DD 214 reflects an honorable discharge due to a diagnosed "personality disorder." The Coast Guard later issued a DD 215 form correcting the narra-

⁵ For purposes of the BCMRs under 10 U.S.C. § 1552, "injustice" is "treatment by military authorities that shocks the sense of justice." *Sawyer v. United States*, 18 Cl. Ct. 860, 868 (1989), *rev'd on other grounds*, 930 F.2d 1577 (citing *Reale v. United States*, 208 Ct. Cl. 1010, 1011 (1976)).

⁶ The Board also notes that both of the applicant's suicide attempts could have been documented as "drug incidents" under Article 20.A.2. of the Personnel Manual since the applicant wrongfully used drugs for other than their intended use. Under Articles 12.B.18. and 20.C. of the Personnel Manual, every member involved in a "drug incident" is processed for a general discharge. *See, e.g.*, BCMR Docket No. 2005-128, wherein the Board upheld the general discharge of a member for drug abuse after he admitted that he had tried to kill himself with an overdose.

⁷ *See, e.g.*, BCMR Docket Nos. 2005-082, 2005-045, 2004-044, and 2003-015.

⁸ *See, e.g.*, BCMR Docket Nos. 2001-020, 2000-142, 1999-185, 1999-037, and 1998-099 in which the Board upheld the unsuitability and personality disorder discharges of, respectively, a veteran who was diagnosed with a dependent personality disorder after going AWOL and committing various other disciplinary infractions; a veteran who was diagnosed with a borderline personality disorder and went to an historic tower, told a guard at the bottom that he was going to hang himself off the top with a dog collar and leash, and waited at the top until the police arrived; a veteran with numerous disciplinary infractions and performance problems in his record who was diagnosed by two psychiatrists with a borderline personality disorder; a veteran who frequently exhibited inappropriate sexual behavior over a two-year period and was twice diagnosed with "adjustment disorder with disturbance of conduct"; and a veteran who was twice arrested for indecent exposure and diagnosed with narcissistic personality disorder.

tive reason for separation to “unsuitability,” but the words “personality disorder” remain clearly visible on his DD 214. The Coast Guard now recommends that the Board correct the narrative reason for separation from “unsuitability” to “condition, not a disability.” Although the applicant’s attempts at suicide and other documented misconduct support the Army psychiatrist’s diagnosis, in light of the results of the psychological testing and the Coast Guard’s recommendation, the Board finds that it is in the interest of justice to correct the narrative reason on the applicant’s DD 214 to “condition, not a disability.” Moreover, the correction should be made on a newly issued DD 214, rather than by means of a DD 215.

6. The article of the Personnel Manual that authorizes the discharge of a member for a condition that is not a disability is Article 12.B.12., rather than Article 12.B.16. Therefore, the discharge authority noted on the applicant’s DD 214 should also be corrected to be consistent with his narrative reason for discharge. In addition, the separation code that corresponds to a discharge by reason of “condition, not a disability” is JFV, rather than JFX.

7. The applicant asked that his reenlistment code be upgraded from RE-4 (ineligible) to RE-1 (eligible). Under the SPD Handbook, however, an RE-1 is not authorized for any member discharged as a result of a “condition, not a disability.” Nor is the Board persuaded that the applicant should be eligible for reenlistment without any consideration of his past reactions to stress. Although the DRB recommended that the applicant’s reenlistment code be upgraded to RE-3G, which would allow him to reenlist if he can persuade the recruiting command of a military service that the condition for which he was discharged no longer exists, the Commandant disapproved that recommendation in September 2006. Now, however, CGPC recommends that the Board upgrade the applicant’s reenlistment code to RE-3G.

8. The record shows that the applicant twice attempted to kill himself when under stress. Although the stress was temporary and his suicide attempts apparently stopped, the Board finds that the applicant has not proved by a preponderance of the evidence that his RE-4 reenlistment code is erroneous or unjust. Whether the applicant’s suicide attempts resulted from a temporary adjustment disorder or a personality disorder is moot given the undisputed fact that his response to stress on two occasions was to try to kill himself. Moreover, less than three years have passed since the applicant’s suicide attempts and discharge, which is an insufficient amount of time for the Board to be satisfied that the applicant has overcome the problems that caused his separation. In light of the applicant’s relatively recent suicide attempts and the highly stressful situations in which servicemembers must often perform, the Board is not persuaded that the applicant should be made eligible for reenlistment even if he is able to persuade a recruiter that he no longer suffers from the stresses that preceded his discharge. His reenlistment code should remain RE-4. However, the Board might reconsider this decision, pursuant to 33 C.F.R. § 52.67, if the applicant later submits substantial evidence of five full years of continuous good mental health, emotional stability, and mature and appropriate conduct.

9. Accordingly, the Board should grant partial relief by ordering the Coast Guard to issue the applicant a new DD 214 showing that he was discharged under Article 12.B.12. of the Personnel Manual with a JFV separation code and “condition, not a disability” as his narrative reason for separation, but the applicant’s RE-4 reenlistment code should not be upgraded and he should not be reinstated.

ORDER

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

- Block 25 on his DD 214 shall be corrected to show that he was discharged under the authority of Article 12.B.12. of the Personnel Manual (COMDTINST M1000.6A).
- Block 26 shall be corrected to show that he received the separation code JFV.
- Block 28 shall be corrected to show "CONDITION, NOT A DISABILITY" 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).
- The following notation shall be made in block 18 of the new DD 214: "Action taken pursuant to order of BCMR."
- No other relief is granted.

Francis H. Esposito

Nancy L. Friedman

Darren S. Wall