

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2011-250

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

FINAL DECISION

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 Chair docketed the application upon receipt of the applicant's completed application on September 6, 2011, and subsequently prepared the final decision as required by 33 C.F.R. § 52.61(c).

This final decision, dated June 7, 2012, 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 asked the Board to correct his military record by upgrading his RE-4 (not eligible to reenlist) reenlistment code to RE-1 (eligible to reenlist) and by changing the narrative reason for his discharge from personality disorder to a more favorable reason. The applicant enlisted in the Coast Guard on October 6, 2003 and was discharged on April 13, 2005.

The applicant stated that the RE-4 reenlistment code is preventing him from reentering the service and from becoming a civilian police officer. He questioned the personality disorder diagnosis that he was given in December 2004. In this regard, he stated that the military doctor diagnosed him as having a personality disorder after only one visit and he has been told that a diagnosis cannot be made from just one visit. He stated that another psychiatrist mentioned that he could have been suffering from Seasonal Affective Disorder or an imbalance related to certain medications that he was taking. The applicant stated that his command referred him for a mental evaluation after he had a breakdown due to personal problems. He stated that he has matured since his discharge and that even though he does not believe he has any disorder, he has taken steps to learn different coping mechanisms to deal with stress and unexpected events.

BACKGROUND

Prior to his discharge, the applicant was evaluated by a civilian Army psychiatrist based upon a referral from his command. In December 2004, the psychiatrist diagnosed the applicant

as having an adjustment disorder with depression on AXIS I and as having a depressive personality disorder of long standing manifested by emotional instability and chronic feelings of emptiness on AXIS II. The applicant's prognosis was poor for returning to full duty and he was recommended for administrative separation.

On February 23, 2005, the applicant's commanding officer (CO) informed the applicant that the CO was initiating action to discharge the applicant from the Coast Guard because of unsuitability due to an adjustment disorder diagnosis. The CO noted that the applicant had been diagnosed with an adjustment disorder, as well as a personality disorder.

On February 23, 2005, the applicant acknowledged the proposed discharge, waived his right to attach a statement, waived his right to consult with a military attorney, and did not object to being discharged.

On February 28, 2005, the CO recommended to Commander, Coast Guard Personnel Command (CGPC) that the applicant be discharged by reason of unsuitability due to an adjustment disorder. The CO noted the psychiatrist evaluation diagnosing the applicant with an adjustment disorder as well as a personality disorder.

On March 29, 2005, CGPC directed that the applicant be discharged by reason of unsuitability due to personality disorders, with a JFX (personality disorder) separation code, and with an RE-4 reenlistment code. The applicant was discharged on April 13, 2005

Exhaustion of Administrative Remedies with the Discharge Review Board (DRB)

Prior to filing an application with the BCMR, the applicant applied to the DRB and requested to have his reenlistment code and narrative reason for discharge changed. On February 1, 2010, the DRB denied the applicant's request. The DRB stated that the applicant's reason for separation and his reenlistment code are appropriate and that the applicant did not substantiate any error or inequity in his discharge or reenlistment code.

VIEWS OF THE COAST GUARD

On January 11, 2012, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant partial relief, in accordance with a memorandum from the Commander, Personnel Service Center (PSC).

PSC concurred in part with the DRB findings and stated that since the release of its decision, the Coast Guard has updated its guidance relating to the type of separation code and narrative reason for separation that members should receive who are to be discharged for an inability to adapt to military life. In this regard, PSC stated the following:

In accordance with ALCOAST 252/09,¹ the applicant's record should be corrected to show that he received the separation code of JFY [adjustment disorder, not amounting to a disability] with the corresponding narrative reason of adjustment disorder. According to this guidance, for a separation code of JFY, a reentry code of either RE-3G or RE-4 is authorized. The applicant's reentry code of RE-4 should be corrected to show RE-3G, as the applicant did not have any disciplinary basis that contributed to his reason for separation.

In light of the above, PSC recommended that the applicant's DD214 be corrected by changing the separation code to JFY, the reenlistment code to RE-3G, and the narrative reason for separation to adjustment disorder.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On January 17, 2012, the Board sent a copy of the views of the Coast Guard to the applicant for a response. The Board did not receive a reply from the applicant.

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 submission 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 because the applicant submitted his application to the Board within 3 years of his February 1, 2011 DRB decision. *See Ortiz v. Secretary of Defense*, 41 F.3d 738, 743 (D.C. Cir. 1994).

¹ PSC submitted a copy of ALCOAST 252/09 (Addition of the Adjustment Disorder Narrative Reason and Separation Program Designator (SPD) Codes to the Separation Program Designator Handbook), which was issued on April 29, 2009. The ALCOAST stated the following in pertinent part:

3. The Department of Defense recognized the need for the additional narrative reason and SPD codes that better fit the cause for discharge when a member is unable to adapt to military life. The FY series was created with the narrative reason adjustment disorder, specifically for members diagnosed with an adjustment disorder not amounting to a disability.

4. Effective immediately, one of the following narrative reasons and SPD codes will be used when a member is diagnosed with an adjustment disorder in accordance with Chapter 5 [of the Medical Manual].

#

D. SPD code JFY, narrative reason adjustment disorder. Involuntary discharge directed by an established directive when an adjustment disorder exists, not amounting to a disability, which significantly impairs the member's ability to function effectively in the military environment.

5. The discharge separation authorities and member entitlements will remain in accordance with . . . 12.B.16 . . . For enlisted personnel, the re-entry code assigned can be either an RE-3G or RE-4. . . .

2. Although the applicant was diagnosed with both an adjustment disorder and a personality disorder, the advisory opinion recommended changing the narrative reason for the applicant's discharge based upon the adjustment disorder diagnosis. The Board has no objection to this change because it is consistent with the basis for discharge provided to the applicant in the CO's letter notifying him that he was being discharged. The applicant was never told by his command that the basis for his discharge was personality disorder. Therefore, the applicant has suffered an injustice by having his DD 214 note that he was discharged due to a personality disorder instead of an adjustment disorder.

3. In light of the above, the Board agrees with the advisory opinion and finds that the applicant's narrative reason for discharge and his separation code should be changed to show that his discharge was due to an adjustment disorder, in accordance with ALCOAST 252/09. Although ALCOAST 252/09 was issued after the applicant's discharge, the advisory opinion indicated that as a matter of equity, the applicant should be treated the same as current members who are discharged due to an adjustment disorder. (Prior to the issuance of ALCOAST 252/09 adjustment disorders and personality disorders, in most cases, received the same separation code and narrative reason for separation.)

4. The Board also agrees with the advisory opinion that the applicant's RE-4 reenlistment code should be changed to RE-3G. As the advisory opinion states, the applicant's record contains no misconduct that would justify the RE-4 code. Moreover, ALCOAST 252/09 authorizes either an RE-3G (condition, not a disability) or an RE-4 (not eligible to reenlist) reenlistment code for an adjustment disorder discharge. Changing the applicant's reenlistment code to RE-3G will allow him the opportunity to seek reenlistment in another branch of the service if he can persuade his recruiters that he has overcome his adjustment disorder.

5. Accordingly, the applicant should be granted partial relief.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of former XXXXXXXXXXXXXXXXXXXX, for correction of his military record is granted in part as follows. The Coast Guard shall issue him a new DD 214 containing the following corrections:

- Block 26 shall be changed to JFY.
- Block 27 shall be changed to RE-3G.
- Block 28 shall be changed to “adjustment disorder”.
- Block 18 shall contain the comment “Action taken pursuant to order of BCMR.”

No other relief is granted.

Donna M. Bivona

Randall J. Kaplan

Paul B. Oman