



Disorder in the Coast Guard: The United States Coast Guard's Illegal Personality and Adjustment Disorder Discharges

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EXECUTIVE SUMMARY

For the past decade, the Coast Guard has routinely violated procedures intended to protect service members from erroneous discharges for personality disorder (PD) and adjustment disorder (AD). As a result, hundreds of service members have been assigned serious diagnoses that may allow the U.S. Department of Veterans Affairs (VA) to deny them benefits and may subject them to stigma in post-service life, without full information on why they received the diagnosis or their right to appeal.

Vietnam Veterans of America, VVA Connecticut Chapters 120, 251, and 270, and VVA Connecticut State Council (collectively “VVA”) requested documents under the Freedom of Information Act to better understand the United States Armed Forces’ use of PD and AD discharges. When the Coast Guard declined to release the records sought within statutory

deadlines, VVA filed two federal lawsuits seeking the information. In both lawsuits, the Coast Guard initially denied that VVA should have access to individual service records and refused to release them.

Eventually after more litigation, and nearly two years after filing its initial complaint, VVA reached a settlement, pursuant to which the Coast Guard agreed to release thousands of pages of previously-withheld records. Analysis of these records confirms that the branch fails to adhere to its own regulations in processing PD and AD discharges, denying protection to its members. As a result, large numbers of Coast Guard members have been unlawfully discharged.

To remedy these wrongs, VVA recommends a targeted intervention at the Cape May Training Center, identification and correction of past errors, and preventive action going forward

KEY FINDINGS

- The vast majority of AD and PD discharges failed to comply with Coast Guard regulations. 255 of a random sample of 265 discharges analyzed violated regulations in some way.
- Combined, one hundred percent of the AD and PD discharges from FY 2001 to FY 2005 as well as FY 2008 and FY 2012 in some way violated Coast Guard regulations. Peak compliance in FY 2007 was only 30.0%.
- Since 2009, use of AD discharges in the Coast Guard has risen substantially.

BACKGROUND

Introduction

As early as 2007, media reports brought to light the emerging concern that the

military may purposely misdiagnose soldiers in order to cheat them out of a lifetime of benefits, thereby saving billions in expenses.¹ In 2008 the Government Accountability Office (GAO) issued a report presenting overwhelming evidence that the

U.S. military had illegally separated thousands of service members on the basis of an alleged personality disorder.² In order to better understand whether the Department of Defense (DoD) and the Department of Homeland Security (DHS) had fully addressed the GAO's recommendations for fixing the problem, VVA expanded GAO's investigation and filed a Freedom of Information Act request with DoD, DHS, and the Department of Veterans Affairs (VA) for records related to PD discharges. Equally concerned that becoming the focus of congressional and media scrutiny might have led DoD and DHS to increase the use of illegal AD discharges to compensate for a decrease in PD discharges, VVA also requested records related to AD.

The first set of documents released by DoD, DHS, and VA were analyzed in VVA's March 2012 report, *Casting Troops Aside: The United States Military's Illegal Personality Disorder Discharge Problem*.³ After VVA filed two federal lawsuits⁴, the U.S. Coast Guard, a component of DHS, settled VVA's claims against it and agreed to release additional documents. These documents include the separation paperwork for a random sample of individual service members discharged on the basis of PD or AD, with personally identifying and medical information redacted.⁵ The Coast Guard provided a random sample of 265 of these anonymized "separation packets." Although this report only describes observations within this subset of AD and PD discharges the Coast Guard provided, it assumes that any trends within it would generalize to the rest of the Coast Guard's AD and PD discharges.

Improper AD and PD discharges hurt the men and women who have dedicated themselves to the serving their country. An erroneous discharge by the Coast Guard can

damage their lives in multiple ways. For example, veterans discharged with PD cannot receive disability retirement pay from DoD for illnesses like post-traumatic stress disorder or traumatic brain injury that have been incorrectly diagnosed as PD. These veterans are also much less likely to receive service-connected disability compensation from VA. Moreover, veterans face stigma because the diagnosis is clearly annotated on their discharge records, making it hard to find employment from employers who request this paperwork.

These ramifications are serious. In recognition of the significant adverse consequences of a PD discharge, the Coast Guard has promulgated regulations to protect its members from erroneous discharges.⁶ The Coast Guard's violation of these regulations render the discharges illegal.

The records analyzed in this paper demonstrate that the Coast Guard has been denying service members these essential regulatory protections and illegally discharging members for the past decade. This is unacceptable. A more complete understanding of how the Coast Guard uses AD and PD discharges will allow Congress, military services, VA, and veterans' organizations to redress the consequences of a decade of illegal discharges and prevent them from continuing unchecked for an additional decade.

Personality and Adjustment Disorders

Personality disorders are associated with enduring patterns of inner experience and behavior that deviate from cultural expectations. These patterns must be inflexible and cause distress and functional impairment. In order to diagnose PD, multiple interviews spaced over time are

often necessary. It is often necessary for the psychiatrist to gather information about the individual's behavior from outside sources, such as family members, since the individual may not recognize his or her pattern of deviant thoughts and behaviors as an issue.⁷

The *Diagnostic and Statistical Manual of Mental Disorders (DSM-V)*⁸ recognizes ten specific personality disorders, including Paranoid, Antisocial, and Borderline. People with personality disorders may experience difficulties in cognition, affectivity, interpersonal functioning, or control of impulses. A diagnosis of PD requires ruling out other mental health disorders, such as depression, anxiety, or bipolar disorders, and the effects of substance abuse or other medical conditions, such as head trauma.⁹ Coast Guard regulations state that personality disorders are “disqualifying for appointment, enlistment, and induction.”¹⁰

By contrast, the *DSM-IV-TR*, published in 2000, defined adjustment disorder as a condition caused by abnormal response to stress. The symptoms must have developed within three months of the onset of the stressor. AD must have resolved within six months of the termination of the stressor. AD was a residual category for individuals that had clinically significant symptoms but do not fall into a single category.¹¹

The medical community crafted the definition of AD in the *DSM-IV-TR* to be vague in order to provide a “diagnostic niche” for mental health care providers to intervene in clinically significant cases that do not present a specific mental health condition. However, the medical community revisited the definition and use of adjustment disorders, and the *DSM-V* now considers adjustment disorders a

“heterogeneous array of stress-response syndromes” rather than a catch-all category for clinic cases that do not meet the criteria of specific health conditions.¹² Adjustment disorders are now considered a spectrum of stress-response syndromes with PTSD on one extreme end and AD on the mild end. The general diagnostic criteria—abnormal response to a specific stressor with an onset of no more than three months following the stressor and resolution within six months of termination of stressor—remain.¹³ The majority of the diagnoses reviewed in this paper occurred before AD was officially re-conceptualized in the *DSM-V* in 2013; however, discussions throughout the psychiatric community on AD disorders began several years earlier.¹⁴

The Coast Guard Medical Manual states that adjustment disorders “are generally treatable and not usually grounds for separation” unless they persist or treatment is likely to be prolonged or non-curative.¹⁵

AD and PD are serious diagnoses that carry with them significant stigma. They also impact Coast Guard members' eligibility for benefits following their discharge.

Commandant Instruction's Requirements

Because of the seriousness of these diagnoses and their negative ramifications, it is essential that the Coast Guard protect its members from the damages of improper and erroneous AD or PD discharges. A number of regulations are in place that, if followed properly, should inform members of the reason for their discharge and the information necessary for appeal. If the Coast Guard does not follow its own regulations, then the discharge is improper. Although the data set in this study covers more than a ten-year period, the relevant

Coast Guard Instruction has not significantly changed in content during this time.¹⁶ Coast Guard discharges may be either “characterized” or “uncharacterized.” This classification is independent of the standard for discharge, which may be honorable, general, under other than honorable conditions, bad conduct, or dishonorable.

There are fourteen formal reasons for discharge, one of which is “unsuitability.” AD and PD discharges are included in the category of unsuitability.¹⁷ Unsuitability discharges may be characterized or uncharacterized.¹⁸ Uncharacterized discharges are authorized for all members separated at the entry level who have fewer than 180 days active service.¹⁹ Only the Commander and Commanding Officer at the Cape May Training Center have the authority to give a member an uncharacterized discharge because it is the only location where new recruits with less than 180 days of service are trained.²⁰ All uncharacterized discharges, therefore, come from Cape May.

Commandant’s Instruction M1000.4 describes the binding requirements affecting discharges for unsuitability. First, as is true for any discharge involving psychiatric considerations, a psychiatrist must examine the individual and write a report including “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.”²¹

Next, the Instruction requires that an individual be provided with the following documentation:

- (1) letter notifying the member of the reason(s) for administrative; processing and of his or her rights

- (2) if applicable, member’s declaration or waiver of opportunity to consult with counsel;
- (3) member’s signed statement of awareness, statement on his or her behalf, or refusal to make a statement;
- (4) medical report;
- (5) copy of Enlisted Employee Review and current Enlisted Employee Review Member Counseling Receipt;
- (6) summary of military offenses; and
- (7) any other pertinent comments or recommendations.

Finally, there are two special requirements affecting certain subsets of discharges. Coast Guardsmen in their first term of enlistment may request a waiver of an AD or PD discharge under the “Second Chance Program,” and members with more than eight years of service are entitled to appear before an Administrative Separation Board.

Collectively, these regulations should provide service members with detailed information about the reasons for their discharge and the rights and remedies available to them. Unfortunately, the Coast Guard has denied this information to most members discharged for AD and PD.

FINDINGS AND ANALYSIS

VVA sued DHS in two federal lawsuits seeking records related to AD and PD discharges.²² DHS agreed to settle VVA’s claims by producing 31.5% of the total personality disorder discharge separation packets (approximately 265) from October 1, 2001 to December 31, 2010.²³ DHS agreed to provide certain records from each packet without disclosing personally identifying information.²⁴

Method

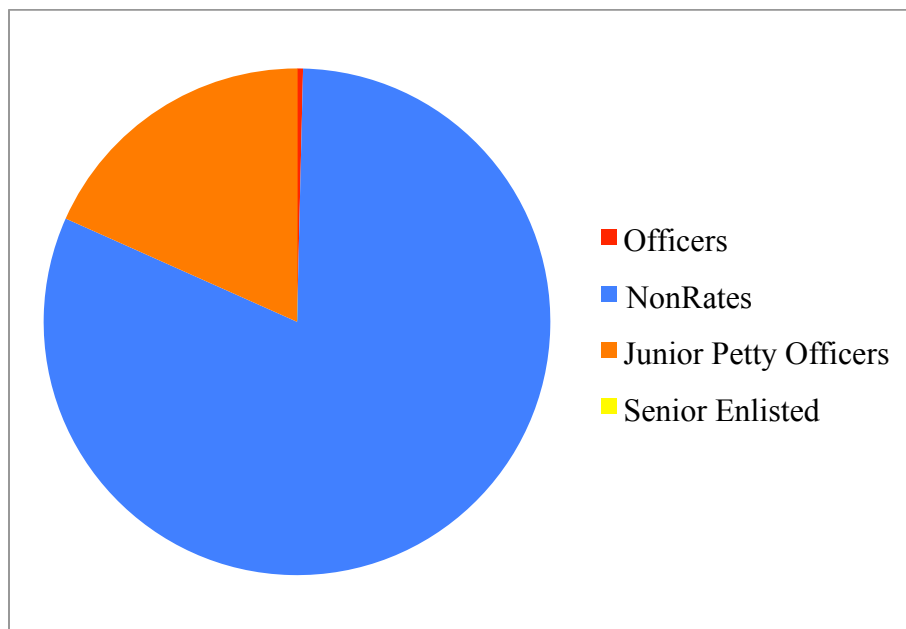
Each separation packet was analyzed and, where available, the following data was extracted in order to assess compliance with the Commandant's Instruction:

- Rank/pay grade
- Rate/specialization
- Length of service that service period
- Sea service that service period
- Date of separation
- Characterization of service
- Separation narrative
- Separation code
- Re-entry code

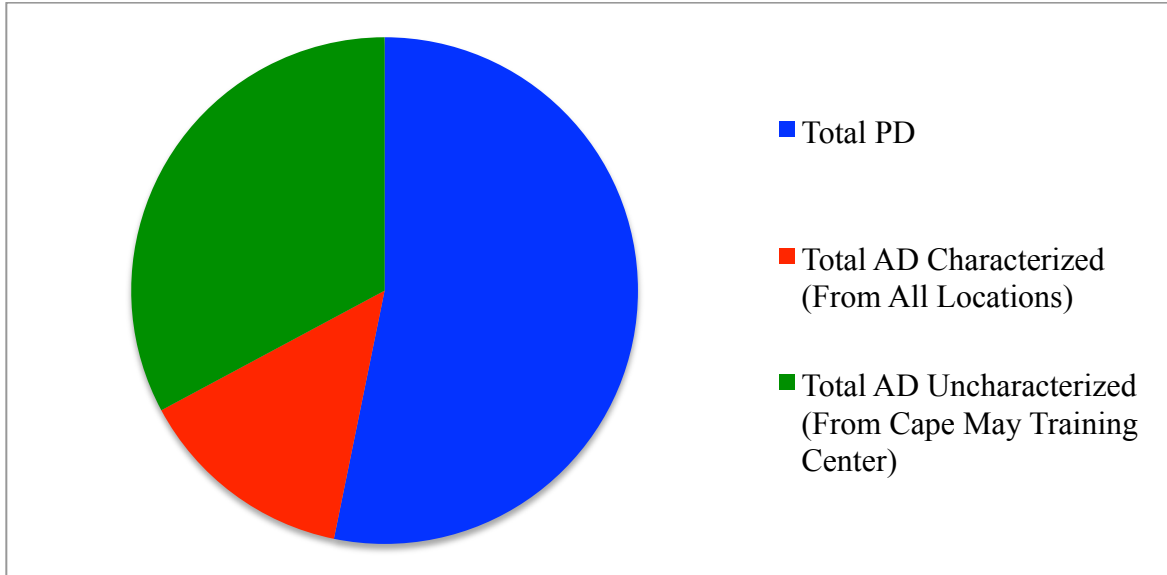
- Presence of:
 - redacted medical records,
 - memorandum notifying individual of rights,
 - signed endorsement acknowledging rights,
 - military offenses, and
 - employee review summary.

If a memorandum notifying an individual of his or her rights had redactions in the list of enclosures, this report errs on the side of inclusivity and gives the Coast Guard the benefit of the doubt that those enclosures included all required documents, such as the employee review summary.

Percentage of Total AD/PD Discharges from FY 2001 to FY 2012 by Pay Grade Group



Percentage of Total Discharges by Diagnosis and Characterization

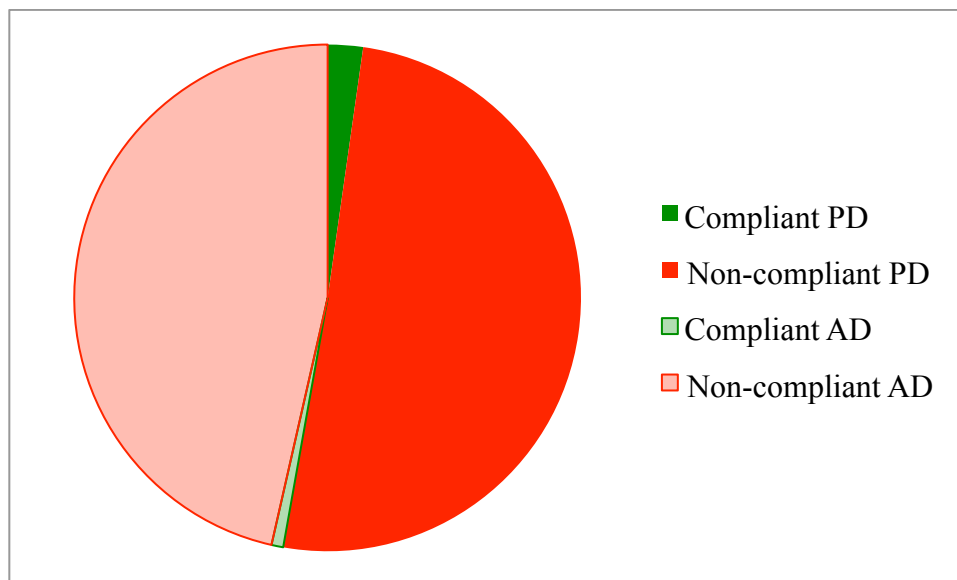


Compliance with Commandant's Instruction's Requirements

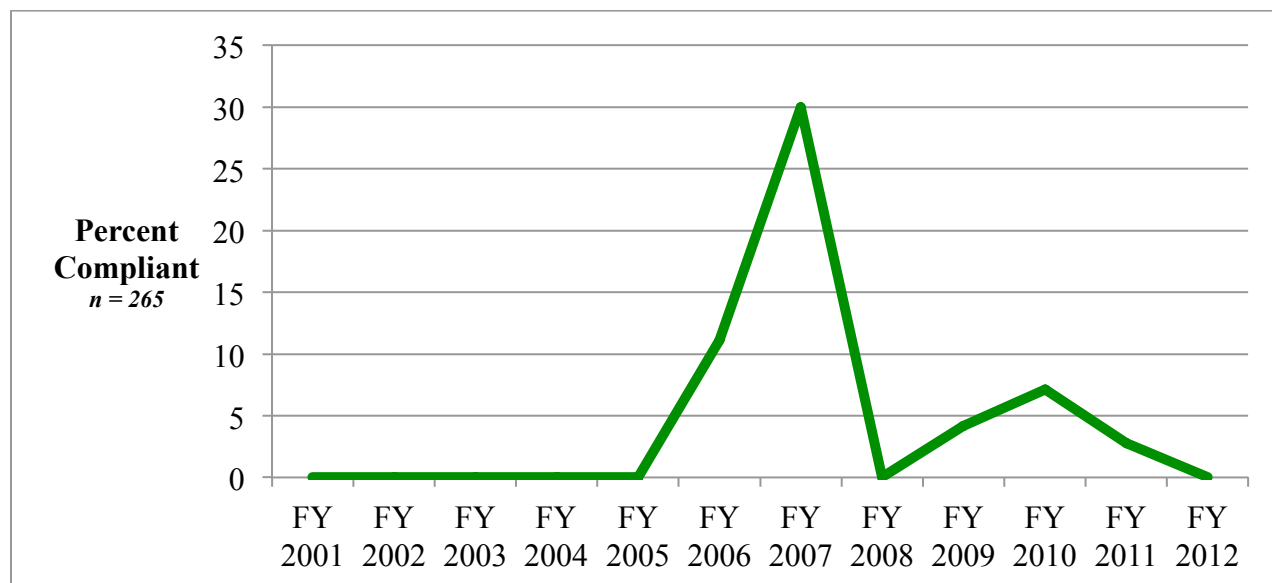
As described above, all discharges must comply with the Commandant's Instruction

M1000.4. The requirements are described below, followed by an assessment of compliance within the sample for each requirement.

Percentage of Total Discharges by Diagnosis and Compliance



Overall Compliance with All of the Commandant's Instruction's Requirements Over Time

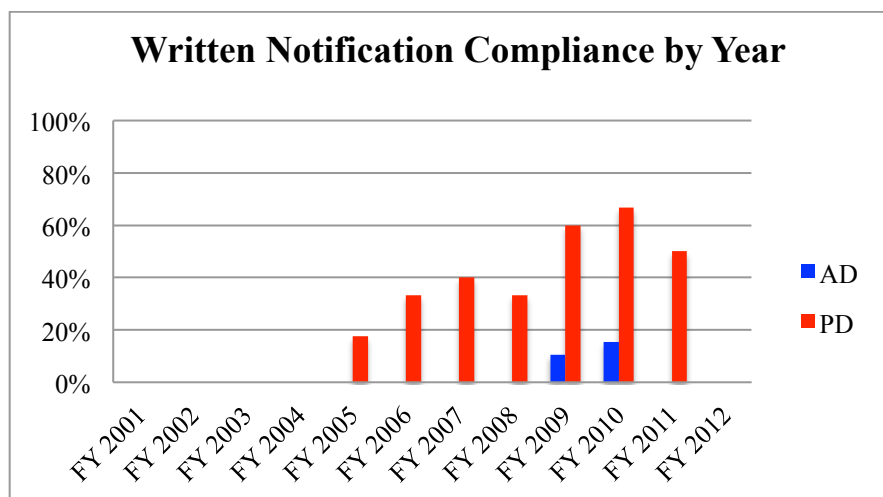


1. Requirement: Notification of Commanding Officer's intent to seek an AD or PD discharge, and rights afforded to the individual.²⁵

Discussion: Coast Guardsmen have a right to know that they are being discharged because of a diagnosis of AD or PD and to make a written statement. They also have a right to consult with a military attorney if the commanding officer seeks to award a general discharge instead of an honorable

discharge.²⁶ Notification must be in writing.²⁷

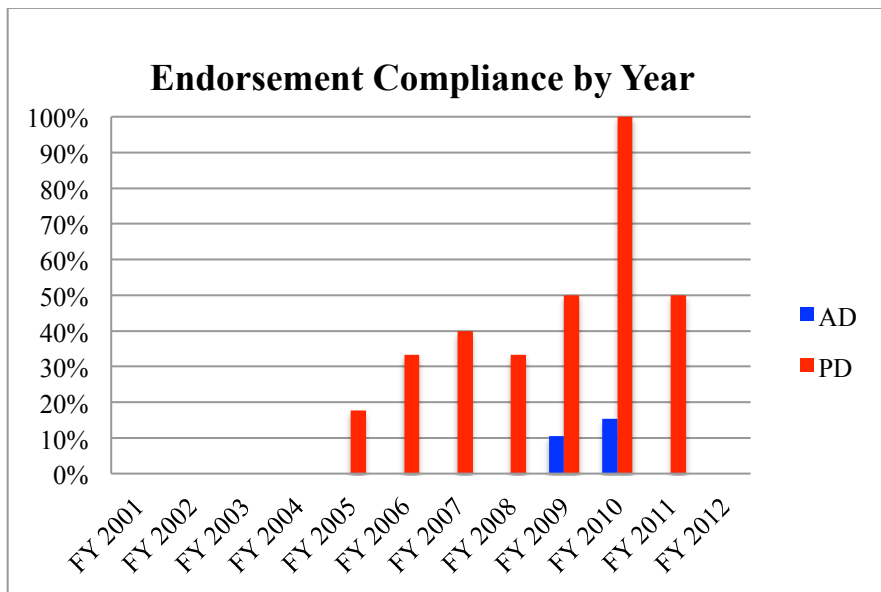
Analysis: From FY 2001 to FY 2012, the Coast Guard never had 100% compliance with this requirement. Overall from FY 2001 to FY 2012 in the sample the Coast Guard had a 9.85% compliance rating in AD and PD discharges. Unfortunately 90.15% of the time Coast Guard personnel did not take the time to include documentation notifying Coast Guardsmen of their rights.



2. Requirement: Endorsement by the individual being discharged, acknowledging that the individual understands his or her rights.²⁸

Discussion: Coast Guardsmen must acknowledge in writing that they have been made aware of their rights. If an individual wishes to make a statement, then that statement will be included in the separation packet. If he or she does not wish to make a statement then the individual will so indicate in the endorsement section of the notification memorandum. If an individual is entitled to an attorney and wishes to speak to one, then the individual must also so indicate in the endorsement section.²⁹

Analysis: Similar to the case of the Notification requirement, overall from FY 2001 to FY 2012 the Coast Guard had a 9.05% compliance rating in AD and PD discharges in the sample. This is not surprising, because the Endorsement Acknowledging Notification of Rights is usually the second page of the same document notifying the individual of their rights. Unfortunately 90.95% of the time, the separation packets produced by the Coast Guard indicate that members were not notified of their rights.



3. Requirement: Provision of a copy of the Enlisted Employee Review and a copy of the Enlisted Employee Review Counseling Receipt.³⁰

Discussion: Enlisted personnel are given employee reviews on a semi-annual or annual basis depending on their rank. Enlisted personnel receive scores on a 1-7

scale in a variety of leadership and proficiency criteria that vary from pay grade to pay grade; one being the lowest and seven the highest.³¹

Analysis: The Coast Guard did not specifically agree to provide Enlisted Employee Review Counseling Receipts, therefore they cannot be tracked.³² The

separation packets did, however, include Enlisted Employee Review Summaries. Two packets in the sample had a printout of the Summary of Enlisted Employee Review. Six packets listed the summaries as Enclosures in the Separation Memorandum and twelve more had Enclosure sections that were redacted. Even giving the Coast Guard the benefit of the doubt and assuming that the memorandums that included redacted enclosures listed Employee Review Summary and all Enclosures were actually submitted with the memorandums, the records disclosed indicate the Coast Guard has a compliance rate of only 7.58%.

4. Requirement: Separation Memorandum/Message.³³

Discussion: Normally, in order to give a member of the Coast Guard an AD or PD discharge, unit commanders must send documentation to their superiors, who will then authorize the discharge.³⁴ A small percentage of unit commanders have the authority to issue AD or PD discharges without authorization from a superior, but these commanders must still send the documentation to the Commander.³⁵ Additionally PD discharges may be transmitted by For Official Use Only Message,³⁶ while AD discharges must be transmitted by Memorandum.³⁷

Analysis: The Coast Guard did not specifically agree to provide Separation Memorandums. However, often when a separation packet included a medical record and documentation that an individual was notified of their rights, it also included a Separation Memorandum.³⁸

5. Requirement: Diagnosis of AD or PD by a psychiatrist, not by a PhD level psychologist or PhD level clinical social worker.³⁹

Discussion: Unlike other military services that require a probationary period to give members a chance to improve their performance, the Coast Guard does not require a probationary period for anyone administratively discharged for AD or PD.⁴⁰ Although a diagnosis by a PhD level psychologist or clinical social worker is sufficient to discharge Coast Guardsmen through the Physical Disability Evaluation System (PDES),⁴¹ members diagnosed with AD or PD must be discharged administratively.⁴² The Coast Guard's administrative regulations state that members discharged for unsuitability as a result of AD or PD must be examined by a psychiatrist.⁴³

The Coast Guard released existing medical records, redacted in their entirety except for the letterhead identifying them as medical records. From the available data there is no way to evaluate the quality of the diagnosis, or whether the diagnosis was based on an adequate longitudinal history.⁴⁴ Nor is it possible to tell the qualifications of individual making a diagnosis. This report instead tracks the presence or absence of redacted medical records without being able to tell who made the diagnosis.

Analysis: Due to the limitations inherent in redacted medical records, this requirement was not taken into account when assessing overall compliance.

Special Requirements

If in the first term of enlistment;

Requirement: Notification of Second Chance Program.

Analysis: Coast Guardsmen in their first term of enlistment may request a waiver

of an AD or PD discharge under the “Second Chance Program.”⁴⁵ However since the length of the first term enlistment varies by individual, it is difficult to determine who is eligible for the Second Chance Program. At the very least, every individual with fewer than two years of service is probably entitled to the second chance program. 108 individuals in the sample met this criterion. 15 separation packets included notification of the Second Chance Program. This translates to 13.88% of individuals who were potentially eligible. Since many members have initial enlistment longer than two years (indeed members who were notified of the second chance program have over two years of service) 13.88%

should be considered an upper bound, to a figure that is most likely quite lower.

If over eight years of service;

Requirement: Entitled to Administrative Separation Board⁴⁶

Analysis: Four observed enlisted personnel were entitled to Administrative Separation Boards. According to the records disclosed by the Coast Guard, only one of them was advised of this right.

Tables 1 and 2 below present the data underlying the summary graphs throughout this report.

Table 1: Compliant AD Discharges

FY	Med. Records	Written Notification	Endorsement / Statement
2005	0.00%	0.00%	0.00%
2006	*	*	*
2007	*	*	*
2008	*	*	*
2009	10.52%	10.52%	10.52%
2010	12.82%	15.38%	15.38%
2011	0.00%	0.00%	0.00%
2012	0.00%	0.00%	0.00%

* Indicates that there were no discharges that year in the sample.

Table 2: Compliant PD Discharges

FY	Med. Records	Written Notification	Endorsement / Statement
2001	0.00%	0.00%	0.00%
2002	0.00%	0.00%	0.00%
2003	0.00%	0.00%	0.00%
2004	0.00%	0.00%	0.00%
2005	17.64%	17.64%	17.64%
2006	33.33%	33.33%	33.33%
2007	40.00%	40.00%	40.00%
2008	33.33%	33.33%	33.33%
2009	50.00%	60.00%	50.00%
2010	66.67%	66.67%	100.00%
2011	50.00%	50.00%	50.00%
2012	*	*	*

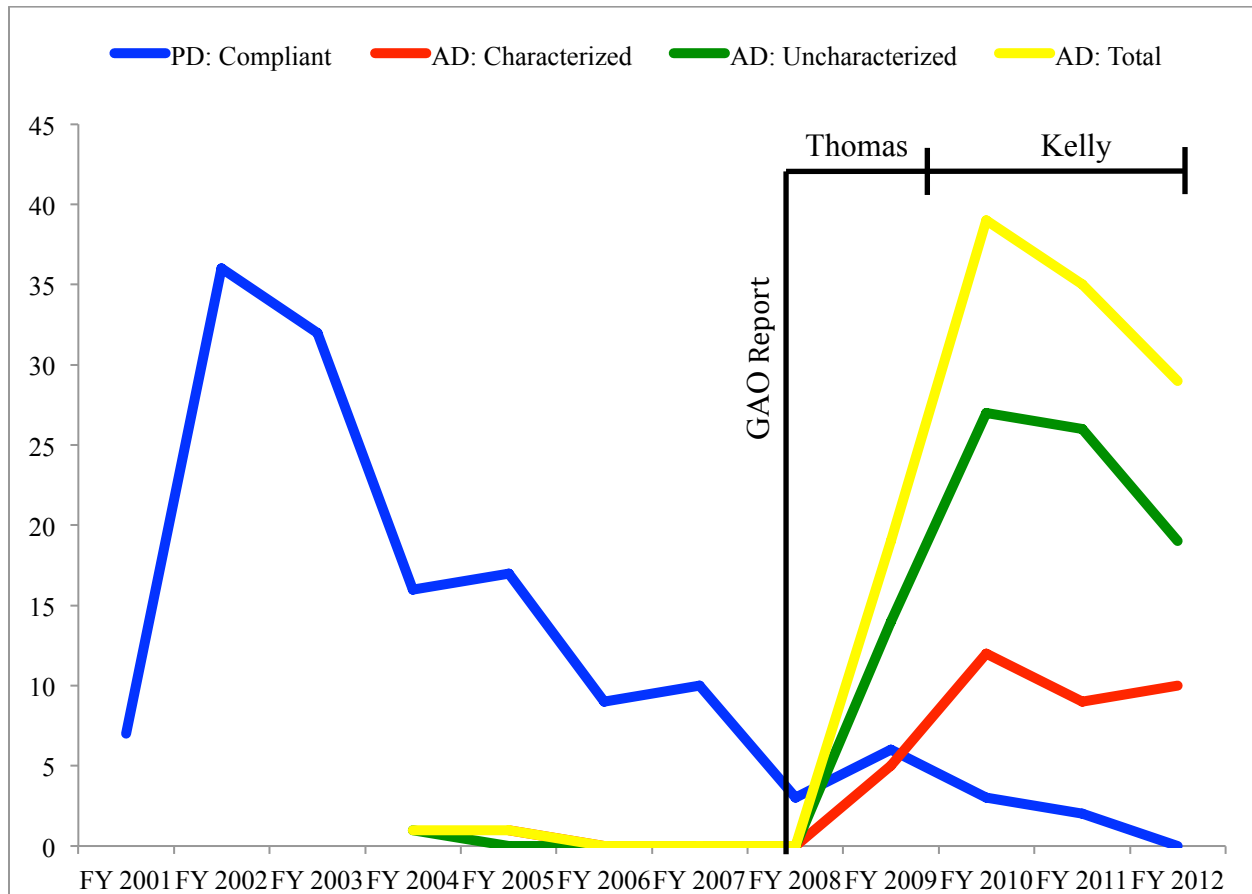
* Indicates that there were no discharges that year in the sample.

Longitudinal Findings

Compliant PD discharges peaked in 2002 and declined thereafter. Total AD discharges both characterized and uncharacterized increased after the 2008 GAO report. As described above, all uncharacterized discharges come from Training Center Cape May. This period of increase began when Captain Cari Batson

Thomas was Commanding Officer of Cape May. Discharges then began to decrease somewhat when Captain Bill Kelly succeeded as Commanding Officer at Cape May. The rate of AD discharges during the tenure of Captain Bill Prestige, current Commanding Officer at Cape May, remains to be seen.

Total Number of Discharges Per Year By Type



Overall Compliance

These data demonstrate an abysmal record of compliance with all requirements of AD and PD discharges. The Coast Guard followed proper procedure in only 9 of the 265 AD/PD discharge cases that we analyzed. One hundred percent of the AD and PD discharges from every year but FY 2006 and FY 2007 failed to comply with Coast Guard regulations in some way. The Coast Guard achieved peak compliance in FY 2007 with 30.0%.

RECOMMENDATIONS

For whatever reason, the Coast Guard has dramatically increased its use of AD

discharges since 2008. The majority of AD discharges in the sample were uncharacterized and therefore originated at Training Center Cape May. The command cadre of Cape May, including the new Commanding Officer, Capt. Prestige, should engage in a targeted intervention to train personnel at the base to cease illegally discharging recruits.

Many AD discharges also came from other units outside of Cape May. The Coast Guard should identify illegal discharges and correct the records of members wrongfully separated.

NOT TO BE USED FOR NOTIFICATION PURPOSES THIS IS AN IMPORTANT RECORD. SAFEGUARD IT. ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

1. NAME (Last, First, Middle)		2. DEPARTMENT, COMPONENT AND BRANCH HOMELAND SECURITY: USCG		3. SOCIAL SECURITY NUMBER	
4.a. GRADE, RATE OR RANK SN		b. PAY GRADE E3		5. DATE OF BIRTH (YYYYMMDD)	
				6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD)	
7.a. PLACE OF ENTRY INTO ACTIVE DUTY		b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known)			
8.a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND			b. STATION WHERE SEPARATED		
9. COMMAND TO WHICH TRANSFERRED				10. SGLI COVERAGE ☐ NONE AMOUNT: \$400,000	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years). NA X				12. RECORD OF SERVICE YEAR(S) MONTH(S) DAY(S) a. DATE ENTERED AD THIS PERIOD 2006 b. SEPARATION DATE THIS PERIOD 2010 c. NET ACTIVE SERVICE THIS PERIOD 03 d. TOTAL PRIOR ACTIVE SERVICE 00 e. TOTAL PRIOR INACTIVE SERVICE 00 f. FOREIGN SERVICE 00 g. SEA SERVICE 00 h. EFFECTIVE DATE OF PAY GRADE 2007	
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) (); FIRST GOOD CONDUCT MEDAL FOR PERIOD ENDING 11; X				14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) ENLISTED PROFESSIONAL MILITARY, (1/DAYS) 2008; CIVIL RIGHTS/HUMAN RELATIONS AWARENESS SEXUAL HARASSMENT PREVENTION, (1/DAYS) 2006; X	
15.a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERAN'S EDUCATIONAL ASSISTANCE PROGRAM				b. HIGH SCHOOL GRADUATE OR EQUIVALENT ☒ YES ☐ NO ☒ YES ☐ NO	
16. DAYS ACCRUED LEAVE PAID 23.5		17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION ☐ YES ☐ NO			
18. REMARKS PLACE OF BIRTH: ADVISED OF REQUIREMENT FOR SELECTIVE SERVICE REGISTRATION. DD FORM 256 CG ISSUED. MGIB INFO: MEMBER'S INITIAL SERVICE CONTRACT WAS FOR FOUR YEARS. X The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-federal agency for verification purposes and to determine eligibility for and/or continued compliance with the requirements of a Federal benefit program.					
19.a. MAILING ADDRESS AFTER SEPARATION (Include Zip Code)				b. NEAREST RELATIVE (Name and address - include Zip Code)	
20. MEMBER REQUESTS COPY & BE SENT TO				DIRECTOR OF VETERAN AFFAIRS ☐ YES ☐ NO	
21. SIGNATURE OF MEMBER BEING SEPARATED				22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature)	

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)		
23. TYPE OF SEPARATION DISCHARGE	24. CHARACTER OF SERVICE (Include upgrades) HONORABLE	
25. SEPARATION AUTHORITY COMDTINS 1000.6 12-B-16	26. SEPARATION CODE JFY	27. REENTRY CODE RE3G
28. NARRATIVE REASON FOR SEPARATION ADJUSTMENT DISORDER		
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD) TL: NONE		30. MEMBER REQUESTS COPY 4 Initials

Department of Homeland Security U.S. Coast Guard Direct Access	STANDARD TRAVEL ORDER			/2010
	0	Unk	U	Seq: 1686705
Period of Travel:	/2010	/2010	Blanket Orders:	Termination DSC

For Medical Travel:	Remain Overnight (RON): 0 days at										
Primary Mode of Travel: Car Govt. Credit Card Holder X Commercial Carrier (Own expense, subj to reimbursement) Government Procured Transportation X Authorized Private Owned Conveyance (POC) \$0											
Direct Access Centrally Scheduled Training:											
Report To:	<table border="1"> <tr> <th>Nature Duty</th> <th>Duty Type</th> <th>From</th> <th>To</th> <th>Revisit</th> </tr> <tr> <td>Separation</td> <td></td> <td></td> <td>'2010</td> <td>N</td> </tr> </table>	Nature Duty	Duty Type	From	To	Revisit	Separation			'2010	N
Nature Duty	Duty Type	From	To	Revisit							
Separation			'2010	N							
Per Diem Rate (estimated): Authorized Rental Car: Upgrade: Lodging: \$0 M&IE: \$0 Quarters: Messing: to: Auth. Local Travel (taxi, bus, etc.):											

Accounting:

Travel Order No	Acct String	Agency Reg	Approp	Lim	Fund Lvl	Pg Elm	Cost Ctr	Obj Cl	Estimate
1210G80PSR3B30002P001299210SR780402104		2	P 001	299	21	0	SR	78040 2104	\$3,000.00

TAC code for personal property shipment: ZSRC
TAC code for transportation and storage of POV:ZVSC
TAC code to be used for Non-Temporary-Storage if authorized: ZNSC

Remarks/Comments/Additional Instructions

- A. MEMBER HAS COMPLETED AT LEAST 90% OF THE INITIAL PERIOD OF OBLIGATED SERVICE
- B. TYPE OF DISCHARGE: HONORABLE
- C. REENLISTMENT CODE: RE-3-G
- D. MEMBER IS NOT ENTITLED TO TRANSITION ASSISTANCE BENEFITS; SEPARATION CODE: JFY
- E. PLACE ENTERED ACTIVE DUTY (PLEAD):
- F. HOME OF RECORD (HOR):
- G. MEMBER TO USE 1 PRIVATELY OWNED CONVEYANCES.
1. POC INFO:
- H. OFFICIAL DISTANCE FROM TO IS 652 MILES
- I. AUTHORIZED 80% (MALT) MILGE FROM LAST PDS TO HOR OR PLEAD:
1. 652 (MILES) X .165 X 01(NUMBER OF POC) X %80 = \$86.06.
- J. IAW JFTR U5630, DISLOCATION ALLOWANCE IS NOT AUTHORIZED TO THE LAST PDS.
- K. IAW JFTR U5705-B, TEMPORARY LODGING EXPENSE IS NOT AUTHORIZED WHEN LEAVING ACTIVE DUTY.
- L. AUTHORIZED SHIPMENT OF HOUSEHOLD GOODS AT PAY GRADE E-3 AT WITH OUT DEPENDENT RATE, IAW JFTR CHAPTER 5.
- M. IN ACCORDANCE WITH THE JOINT FEDERAL TRAVEL REGULATIONS (JFTR) U5360 (G) YOU HAVE 180 DAYS FOLLOWING YOUR SEPARATION DATE TO SHIP YOUR HHG AND/OR STORE YOUR HHG AT GOVERNMENT EXPENSE. IN CASES OF EXTREME HARDSHIPS CASES (MEDICAL, LEGAL ISSUES), AN EXTENSION OF TIME LIMIT MAY BE AUTHORIZED/APPROVED BY COMDT (CG-1222). REQUESTS MUST BE SUBMITTED BEFORE THE 181ST DAY FOLLOWING SEPARATION, OTHERWISE ENTITLEMENT EXPIRES ON THE 181ST DAY. IF YOU HAVE HHG&S IN STORAGE, YOU MUST AGREE TO PAY ALL COSTS FOR

Except as noted orders are authorized and directed. Proceed and report to the places and in the order listed. Deviations should not be made without prior written or verbal orders from proper authority.	
Official's Signature	Date
Traveler's Signature	Date

Department of Homeland Security U.S. Coast Guard Direct Access	STANDARD TRAVEL ORDER				06/22/2010
2013221	0	[REDACTED]	Unk	U	Seq: 1686705
000516	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Period of Travel: [REDACTED]/2010 [REDACTED] 2010		Blanket Orders:		Termination	DSC

STORAGE FOR ANY PERIOD IN EXCESS OF THE AUTHORIZED STORAGE PERIOD. CLAIMS FOR SEPARATING USCG PERSONNEL, PLEASE SUBMIT AN ONLINE EFT APPLICATION ([HTTPS://WWW.FINCEN.USCG.MIL/SECURE/ENROLLMENT FORM.HTM](https://www.fincen.uscg.mil/secure/enrollmentform.htm)) AFTER THE EFFECTIVE DATE OF YOUR RETIREMENT OR SEPARATION. YOU MUST OBTAIN COUNSELING FROM THE NEAREST TRANSPORTATION OFFICE IF YOU ARE PERFORMING A PERSONAL PROCUREMENT MOVE (PPM, FORMERLY DITY MOVE). FAILING TO COMPLY WITH SERVICE REQUIREMENTS MAY LIMIT PAYMENT OR RESULT IN COMPLETE DENIAL OF YOUR CLAIM.

N. YOU ARE DIRECTED TO SUBMIT A TRAVEL CLAIM TO PPC (TVL) WITH IN 3 DAYS AFTER COMPLETION OF THE TRAVEL UNDER THESE ORDERS. IF YOU DECIDE TO CANCEL THESE ORDERS YOU ARE PERSONALLY LIABLE FOR THE REPAYMENT OF ANY FUNDS EXPENDED IN ACCORDANCE WITH THESE ORDERS.

O. MAILING ADDRESS AFTER SEPARATION:

[REDACTED]

Except as noted orders are authorized and directed. Proceed and report to the places and in the order listed. Deviations should not be made without prior written or verbal orders from proper authority.

[REDACTED] USCG, BYDIR

Official's Signature

Date

Traveler's Signature

Date

[Home](#) > [Develop Workforce](#) > [Plan Careers](#) > [Use](#) > [CG Member Info](#)[New Window](#)

Background	Career Summ	Contact Info	Cg Depend Benef	Detailer Comments
Name:		Empl Rcd#: 0	EmplID:	Docs

Personal Information			
Job Code:	Rank: SN	E3	Regular
Status: Active		Location:	
DeptID:	Birth Location:		
Position: DUTY	Birth: 1/1985		
Ad Base Dt: 1/2008	Rotation Dt: 2012	Exp Loss Dt: 2014	Birth: 1/1985
Mar Status:	Citizenship: Native	Country: USA	
Sex: Male	Job Family Entry Dt: 2006	Exp AD Term Dt: 1/2012	
Points Start Date (PSD): 2008	Ethnic Category: Not Hispanic or Latino		
Ethnic Grp:	Ethnic Grp: [REDACTED]		
Reserve Info Mbr Career Info			

Clearance Information	
Agency:	SCI Eligible:
Investigate Type:	Interim: None
Investigate Date: 10/08	Interim Date:
Clearance:	Last Updt: 1/2008
Clearance Granted: 2008	Call SECCEN
SF312 Date: 4/2008	

[Save](#) [Return to Search](#) [Next Tab](#)[Background](#) | [Career Summ](#) | [Contact Info](#) | [Cg Depend Benef](#) | [Detailer Comments](#) | [Mbr and Cmd Comments](#) | [Address History](#)

DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD System Generated		SEPARATION AUTHORIZATION			
Enplid:	Name: A	Rank: SN	Effective Date: /2010	Member Submit: /2010	
Depcid: 5	Dept Name:		Last Day of Active Duty 1/2010		
Request Type: Enlisted Separation		Request Status: Approved		Request Source: Unit	
Entered By: 1 Date: 1/2010					

SEPARATION INFORMATION

Article/Law: 12-B-16 Unsuitability	
Sep/Ret Type: Adjustment Disorder	
DD 214: JFY Adjustment Disorder	
Character of Service: Honorable	Pay Type Code:

THIS SEPARATION ACTION HAS BEEN AUTHORIZED PURSUANT TO CGPSC-EPM WRITTEN DECISION AND IS ISSUED BY - BY DIRECTION OF

DISCHARGE MEMBER NO LATER THAN EFFECTIVE DATE INDICATED ABOVE WITH HONORABLE DISCHARGE BY REASON OF UNSUITABILITY ADJUSTMENT DISORDER UNDER ARTICLE 12.B.16 PERSMAN PROVIDED NO DISCIPLINARY ACTION PENDING.

INDICATE CODE JFY IN BLOCK 26 OF DD FORM 214CG. IN ACCORDANCE WITH COMDTINST M1900.4D, BLOCK 28 SHALL ONLY INDICATE DISCHARGE FOR ADJUSTMENT DISORDER.

ASSIGN REENLISTMENT CODE RE-3.

MEMBER SHALL SURRENDER UNIFORM UPON DISCHARGE.

IF APPLICABLE, ANY UNEARNED ENLISTMENT OR SELECTIVE REENLISTMENT BONUS PORTION WILL NOT BE RECOUPED.

ADVISE COMMANDER, PERSONNEL SERVICE CENTER EPM-1 IF DISCHARGE NOT EFFECTED BY DATE INDICATED ABOVE.

PLACE COPY OF THIS AUTHORIZATION ORDER IN MEMBER'S PDR.

DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD System Generated		SEPARATION AUTHORIZATION		
Emplid:	Name:	Rank: SN	Effective Date: /2010	Member Submit: /2010
Deptid:	Dept Name:		Last Day of Active Duty: /2010	
Request Type: Enlisted Separation		Request Status: In Process		Request Source: Unit
Entered By:		Date: /2010		

SEPARATION INFORMATION

Article/Law: 12-B-16 Unsuitability	
Sep/Ret Type: Adjustment Disorder	
DD 214: JFY Adjustment Disorder	
Character of Service: Honorable	Pay Type Code:

THIS SEPARATION ACTION HAS BEEN AUTHORIZED PURSUANT TO CGPSC-EPM WRITTEN DECISION AND IS ISSUED BY DIRECTION OF CENTER.

DISCHARGE MEMBER NO LATER THAN EFFECTIVE DATE INDICATED ABOVE WITH HONORABLE DISCHARGE BY REASON OF UNSUITABILITY ADJUSTMENT DISORDER UNDER ARTICLE 12.B.16 PERSMAN PROVIDED NO DISCIPLINARY ACTION PENDING.

INDICATE CODE JFY IN BLOCK 26 OF DD FORM 214CG. IN ACCORDANCE WITH COMDTINST M1900.4D, BLOCK 28 SHALL ONLY INDICATE DISCHARGE FOR ADJUSTMENT DISORDER.

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ADVISE COMMANDER, PERSONNEL SERVICE CENTER EPM-1 IF DISCHARGE NOT EFFECTED BY DATE INDICATED ABOVE.

PLACE COPY OF THIS AUTHORIZATION ORDER IN MEMBER'S PDR.

1910

... 2010

FIRST ENDORSEMENT on

memo 1910 of: ... 2010

From:)

To:

Subj: DISCHARGE OF

1. SN. is eligible for retention under the Second Chance Policy and has not requested due consideration.

2. , has recommended that be separated from the Coast Guard with an Honorable Discharge for diagnosis of an adjustment disorder. I concur with recommendation.

3. discharge package is hereby forwarded to you for appropriate action.

#

Copy:)

3/9



1910
2010

MEMORANDUM

From:

Reply to
Attn of:

To:

Subj: RECOMMENDATION FOR DISCHARGE

Ref: (a) Personnel Manual, COMDTINST M1000.6 (series), Article 12.B.16
(b) Administrative Discharge Procedure and Second Chance Policy, LANTAREAINST 1910.1A

1. I recommend that [redacted], USCG, be separated from the U. S. Coast Guard with an Honorable Discharge pursuant to the provisions of reference (a) for unsuitability due to diagnosis of an adjustment disorder. Final discharge determination and character of discharge resides with [redacted] (CG-3307, n-1).
2. My recommendation is based on the member's diagnosis of adjustment disorder with mixed disturbance of emotions and conduct (309.4), dysthymic disorder, and borderline traits by [redacted].
3. [redacted] was notified of and acknowledged my intent to initiate discharge proceedings and the reason for that action on [redacted] / 2010. [redacted] submitted a two page statement, which is enclosed with this recommendation.
4. [redacted] is eligible but does not request a waiver under the Second Chance Review Program. I do not recommend retaining [redacted] under the Second Chance Program, as the psychiatrist's report indicates individuals with this condition are "maladapted to Naval Service due to reasons of personality and/or mental capacity, rarely complete their enlistment successfully, and often tie up command resources during their remaining time in service"; therefore, I believe he will never be fit for full duty.
5. All documents required by reference (a) and (b) are forwarded as enclosures.

#

- Enclosure: (1) My memo 1910 of [redacted] 2010; Notification of Intent to Discharge
(2) Member's Acknowledgement & Exercise of Rights
(3) Member's memo 1910 of [redacted] / 2010: Statement for Pending Discharge
(4) Member's Employee Review Summary
(5) Chronological Record of Medical Care, SF 600
(6) Member's Individual Development Plan
(7) Executive Officer Narrative
(8) CG-3307 dtd [redacted] 2009
(9) CG-3307 dtd [redacted] 2007
(10) Summary of Military Offenses - NONE

U.S. Department of
Homeland Security
United States
Coast Guard



1910
2010

MEMORANDUM

From: C

Reply to
Attn of:

To: SN

Subj: NOTIFICATION OF INTENT TO DISCHARGE

Ref: (a) Personnel Manual, COMDTINST M1000.6A, Chapter 12.B.16
(b) Administrative Discharge Procedures and Second Chance Policy,
MLCLANTINST 1910.1

1. This is to inform you that I have initiated action to discharge you from the U. S. Coast Guard pursuant to the provisions of reference (a) due to unsuitability.

2. The reason for my action is that during an examination performed at
you were diagnosed with an adjustment disorder.

3. I intend to recommend an honorable discharge. The decision on your discharge and the type of discharge you will receive rests solely with (

4. You have the following rights, as further detailed in reference (a), which I encourage you to review.

a. You may submit a statement on your behalf. Any statement you provide must be submitted within five (5) working days of today's date. Should you choose to submit a statement, I will forward that statement to the separation authority as an enclosure to my discharge recommendation.

b. You may disagree with my recommendation to discharge you from the Coast Guard; if so, your rebuttal will be forwarded with my recommendation.

#

Enclosures: (1) Acknowledgement and Election Form
(2) Exercise of Rights Form

ENCLOSURE(1)

From:

To:

Subj: NOTIFICATION OF INTENT TO DISCHARGE

Ref: (a) Your 1910 memo of 2010
(b) Personnel Manual, COMDTINST M1000.6 (series), 12.B.16
(c)

1. I have read your memo in reference (a) and have had all of my questions satisfactorily answered. I acknowledge notification of my proposed discharge and have 5 working days to respond; any responses are due by 2010. If I require clerical assistance, it will be provided by y. The basis of this separation is unsuitability per Article 12.B.16, reference (b), of which I have been provided a photocopy.

Circle election or applicable statement and initial each entry below.

1. ~~IDP~~ or I DID NOT receive an enlistment bonus upon entering the USCG. Entered USCG on: 2006 (active duty).

2. General Statement Regarding my Proposed Discharge (initial and complete one):

I will attach my _____ page statement regarding this discharge no later than the due date above.

Or

I waive my right to submit a statement regarding this discharge.

3. I DO or ~~DO NOT~~ request a Second Chance Discharge Waiver. Following reference (c), if I request Second Chance, I must prepare a 1 or 2 page justification memo by the submission date above. If I do not provide the memo, I will not be considered for Second Chance. My memo will explain the circumstances surrounding my proposed discharge, how I plan to correct my performance deficiencies and prevent reoccurrence, and explain why my case warrants exceptional consideration for retention. I will attach details and supporting documentation, to include: My Individual Development Plan (IDP), admin entries, awards/recognition items, and other items that describe my goals, performance, progress and results.

4. As applicable: If a General Discharge is recommended by the command, the following counseling is required: I understand that if I receive a General Discharge under Honorable Conditions that I may expect to encounter prejudice in civilian life. I hereby acknowledge I have been provided an opportunity to consult with ~~NEW LEGAL~~, a lawyer.

5. I DO or ~~DO NOT~~ object to discharge from the U.S. Coast Guard.

Signature/Printed Name

Date

Witness Signature

Date

ENCLOSURE(2)

U.S. Department of
Homeland Security
United States
Coast Guard



1910
2010

MEMORANDUM

From:

Reply to
Attn of:

To:
Thru:

Subj: STATEMENT FOR PENDING DISCHARGE

Ref: (a) Coast Guard Personnel Manual, COMDTINST M1000.6A, Ch. 12.B.16
(b) Administrative Discharge Procedures and Second Chance Policy,
MLCLANTINST1910.1

STATEMENT FOR PENDING DISCHARGE

1910

|

CG Employee Review Summary

Page 1 of 1

Home > Develop Workforce > Plan Careers > Inquire > Employee Review Summary

New Window

Employee Review Summary

EmplID:

Empl Rcd 0

Regular

SN

E3

Nbr:

Position:

DUTY

[Refresh Summary](#)

DeptID:

Employee Review Summary											
Enlisted Marks		OER Summary		As of Date		[PDF]					
Rank	Eff Date	Type	Lead Sum	Prof Sum	Perf Sum	Mil Sum	Lead	Prof	Perf	Mil	Con Rec
SN	2010	Regular	15	25	27	16	4434	553444	545454	664	S R
SN	2008	Regular	25	38	34	18	6766	766766	665566	666	S R
SN	/2007	Regular	25	35	35	17	6667	666656	666575	656	S R

[Return to Search](#)

ENCLOSURE(4)

<https://hr.direct-access.us/servlets/iclientservlet/USCGPIHR/?ICType=Panel&Menu=PLA...> /2010

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

Patient:

Date:

2010 1116 EDT

Appt Type: ESTB

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

Patient:

Date:

2010 1116 EDT

Appt Type: ESTS

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

Patient:

Date:

2010 1116 EDT

Appt Type: ESTS

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

Patient:

Date:

2010 1118 EDT

Appt Type: ESTG

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

Patient:

Date:

2010 1118 EDT

Appt Type: ESTS

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

Patient:

Date:

2010 1116 EDT

Appt Type: ESTS

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

Patient:

Date:

2010 1118 EDT

Appt Type: ERTS

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

Patient:

Date:

2010 1116 EDT

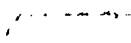
Appt Type: ESTB

U.S. Department of
Homeland Security
United States
Coast Guard



1910
2010

MEMORANDUM

From:  RD

Reply to
Attn of:

To:

Subj: EXECUTIVE OFFICER'S NARRATIVE FOR DISCHARGE OF
USCG

Ref: (a) Personnel Manual, COMDTINST M1000.6 (series), Article 12.B.16
(b) Administrative Discharge Procedure and Second Chance Policy, LANTAREAINST
1910.1A

1. The following is a narrative of performance leading to recommendation for
discharge, submitted in accordance with refs (a) and (b).

Date Performance Bullet

2009

was notified that he would receive a "no fault" discharge.

OF

3

IE

1910

2010

July 2010

.. notified of and acknowledged Commanding Officer's intent to
recommend discharge for unsuitability. on exercised his right to
submit a statement (Encl 1, 2).

#

APPENDIX B – Settlement Agreement

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

VIETNAM VETERANS OF AMERICA	)	
CONNECTICUT GREATER HARTFORD	)	
CHAPTER 120, VIETNAM VETERANS OF	)	
AMERICA, VIETNAM VETERANS OF AMERICA	)	
SOUTHERN CONNECTICUT CHAPTER 251,	)	
VIETNAM VETERANS OF AMERICA	)	
CONNECTICUT CHAPTER 270, and VIETNAM	)	
VETERANS OF AMERICA CONNECTICUT	)	
STATE COUNCIL,	)	
	)	
Plaintiffs,	)	Civil Action Nos.:
	)	3:10-cv-1972(AWT)
v.	)	3:11-cv-2009(AWT)
	)	
UNITED STATES DEPARTMENT OF DEFENSE,	)	
UNITED STATES DEPARTMENT OF HOMELAND	)	
SECURITY, and UNITED STATES DEPARTMENT OF	)	November 29, 2012
VETERANS AFFAIRS,	)	
	)	
Defendants.	)	

STIPULATION OF SETTLEMENT AND PROPOSED ORDER

WHEREAS, plaintiffs Vietnam Veterans of America Connecticut Greater Hartford Chapter 120, Vietnam Veterans of America, Vietnam Veterans of America Southern Connecticut Chapter 251, Vietnam Veterans of America Connecticut Chapter 270, and Vietnam Veterans of America Connecticut State Council (collectively, "Plaintiffs") filed a complaint in this matter seeking the release of certain documents by, *inter alia*, United States Department of Homeland Security ("DHS") pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"); and

WHEREAS the allegations in the complaint concern, *inter alia*, FOIA requests sent by Plaintiffs to the Department of Homeland Security, on October 29, 2010, February 21, 2011 and March 7, 2011, requesting various records held by DHS relating to the use by the Coast Guard of

personality disorder discharges and adjustment disorder or readjustment disorder discharges to discharge service members since October 1, 2001; and

WHEREAS, the parties have reached a mutually satisfactory resolution of the claims presented against DHS;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. The Coast Guard will provide a randomly selected sample of 31.5% of the total personality disorder discharge separation packets for the period from October 1, 2001 to December 31, 2010 (264 estimated packets). The random sample will be generated by using the “randomizer” function in Microsoft Excel. Specifically, the Coast Guard will create a spreadsheet containing a column of the employee identification numbers of all Coast Guard service members discharged for personality disorder during the relevant time period. The Coast Guard will populate a second column using Excel’s “randomize” function by entering “=rand()” in each cell. Using the Excel “sort” function, both columns will then be sorted in either ascending or descending order by the “randomize” column. The first 264 employee identification numbers on this list will then be used to pull the random sample of separation packets. The employee identification numbers will not be provided to Plaintiffs.

2. A “separation packet,” as used in paragraph 1, shall exclude records of court-martial proceedings and medical history unrelated to compliance with Section 12.B.16. of the Coast Guard Personnel Manual, and shall include records comparable to pages 1-3, 6-8, and 11-12 of the sample separation packet provided to Plaintiffs by the Coast Guard on August 9, 2011 and attached hereto as Exhibit A. A “separation packet,” as used in paragraph 1, shall include DD-214 forms, with the following boxes unredacted:

a. 2 (Department Component and Branch);

- c. 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) (All Periods of Service) – the Coast Guard will not withhold any of the following:

Good Conduct Medal
National Defense Service Medal
Commandant's Letter of Commendation
Overseas Service Medal;

- d. 18 (Remarks) – the Coast Guard will not withhold: names and dates of operations, campaigns or deployments in which the service member has participated; the annotation of any reenlistments; discharge for physical disability information, to include the memorialized right for a service member to file a disability claim, whether a service member filed a related disability claim, and the amount of severance received as the result of either disability claim; what type of discharge certificate was issued (e.g., DD 256 CG, DD 257 CG, DD 259 CG, DD 260 CG or equivalent forms); and information arising as a continuation for entries in blocks 11, 13, and 14 that may not be redacted per this settlement agreement.

4. The Coast Guard will not charge search, duplication, or other fees to Plaintiffs.

Plaintiffs will not seek attorneys' fees or costs incurred in this litigation against DHS or its component, the Coast Guard. The remaining Defendants reserve their right to charge search, duplication, or other fees to Plaintiffs, as permitted by law, and Plaintiffs reserve the right to seek attorneys' fees and costs as to those other Defendants, as permitted by law.

5. DHS will retain a record of the social security numbers of (a) the service members whose separation packets are given to the Plaintiffs and (b) a random sample of 10% of service members discharged in each year in 2008-10 on the basis of adjustment disorder.

6. The Coast Guard will provide 90 separation packets within 90 days of the effective date of this Stipulation; another 90 separation packets within 90 days thereafter; and the remaining 84 separation packets within 90 days thereafter, such that all 264 separation packets will be provided within 270 days of effective date of this Stipulation.

7. This Stipulation shall not constitute an admission on the part of DHS, the Coast Guard and/or the United States that any document or data identified as responsive to the

Plaintiffs' FOIA requests is subject to disclosure under the FOIA. Moreover, nothing contained herein shall be construed as prejudicing, impeding, or limiting in any way DHS's and the Coast Guard's authority to make any determinations with respect to any aspect of Plaintiffs' FOIA requests, including but not limited to any determination regarding the withholding of any responsive document, or portion thereof, pursuant to 5 U.S.C. § 552(b) and all other applicable laws and regulations.

8. Concurrent with the execution of this Settlement Agreement, Plaintiffs' counsel shall seek the dismissal of Plaintiffs' claims against DHS with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) by filing a Stipulation of Dismissal with Prejudice in this case and in *Vietnam Veterans of America Connecticut Greater Hartford Chapter 120 v. Department of Defense*, 3:11-cv-2009 (D. Conn.) ("*VVA I*"), each side to bear its own fees and costs. Plaintiffs' claims against the remaining Defendants, the U.S. Departments of Defense and Veterans Affairs, are unaffected by this Stipulation.

9. The Court shall maintain jurisdiction of this matter solely to monitor and enforce if necessary the parties' compliance with the terms of this Stipulation. Any future application for attorneys' fees based on any action to enforce the provisions of this Agreement may not be predicated upon any acts of the Defendants or findings of this Court that occurred prior to the signing of this Proposed Order by the Court.

10. Upon the execution of this Stipulation, Plaintiffs hereby release and forever discharge DHS, the Coast Guard, and their successor, the United States of America, from any and all claims under FOIA that Plaintiffs assert or could have asserted in this litigation or in *VVA II*, or which hereinafter could be asserted by reason of, or with respect to, or in connection with, or which arise out of, the FOIA requests on which this action and *VVA II* are based or any other

VIETNAM VETERANS OF AMERICA	)	
CONNECTICUT GREATER HARTFORD	)	
CHAPTER 120, et al.	)	
	)	
Plaintiffs,	)	Civil Action No.:
	)	3:10-cv-1972(AWT)
v.	)	3:11-cv-2009(AWT)
	)	
UNITED STATES DEPARTMENT OF DEFENSE,	)	
UNITED STATES DEPARTMENT OF HOMELAND	)	
SECURITY, and UNITED STATES DEPARTMENT OF	)	November 29, 2012
VETERANS AFFAIRS,	)	
	)	
Defendants.	)	
	)	

Based upon the Stipulation of the parties, Plaintiffs' claims against the Defendant U.S. Department of Homeland Security are DISMISSED WITH PREJUDICE as of the date of this order. The Court shall maintain jurisdiction of this matter solely to monitor the parties' compliance with the terms of this order.

Dated: November ____, 2012

8

REFERENCES

-
- ¹ See, e.g., Joshua Kors, *How Specialist Town Lost His Benefits*, THE NATION, Apr. 9, 2007.
- ² U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-09-31, DEFENSE HEALTH CARE: ADDITIONAL EFFORTS NEEDED TO ENSURE COMPLIANCE WITH PERSONALITY DISORDER SEPARATION REQUIREMENTS (2008).
- ³ MELISSA ADER ET AL., VIETNAM VETERANS OF AM., CASTING TROOPS ASIDE: THE UNITED STATES MILITARY'S ILLEGAL PERSONALITY DISORDER DISCHARGE PROBLEM (Mar.2012), available at <http://www.vva.org/PPD-Documents/WhitePaper.pdf>.
- ⁴ Vietnam Veterans of Am. v. U.S. Dep't of Def., 3:10-cv-01972-AWT (D. Conn. Dec. 15, 2010); Vietnam Veterans of Am. v. U.S. Dep't of Def., 3:11-cv-02009-AWT (D. Conn. Dec. 27, 2011).
- ⁵ See Appendix B.
- ⁶ See U.S. DEP'T OF HOMELAND SECURITY, U.S. COAST GUARD, COMMANDANT INSTRUCTION M1000.4, MILITARY SEPARATIONS (Sept. 29, 2011) [hereinafter COMDTINST M1000.4].
- ⁷ AM. PSYCHIATRIC ASS'N, *Section II: General Personality Disorder, Diagnostic Features*, in DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS: DSM-V (2013), available at <http://dsm.psychiatryonline.org/content.aspx?bookid=556§ionid=41101784>.
- ⁸ Most of the diagnoses that we review in this report occurred before the release of the *DSM-V*, when psychiatrists were relying on the *DSM IV-TR*. Although the *DSM-V* has introduced an alternative model for evaluation of PD in Section III of the guide, the criteria for personality disorders in Section II remains unchanged. See Mark Moran, *DSM Section Contains Alternative Model for Evaluation of PD*, PSYCHIATRIC NEWS (May 3, 2013), <http://dsm.psychiatryonline.org/newsArticle.aspx?articleid=1685439&RelatedWidgetArticles=true>.
- ⁹ AM. PSYCHIATRIC ASS'N, *Section II: General Personality Disorder, Criteria*, in DSM-V, *supra* note 4, available at <http://dsm.psychiatryonline.org/content.aspx?bookid=556§ionid=41101784>.
- ¹⁰ U.S. DEP'T OF HOMELAND SECURITY, U.S. COAST GUARD, COMMANDANT INSTRUCTION M6000.1E, COAST GUARD MED. MANUAL, at chp.5.B.1 (Apr. 29, 2011) [hereinafter COMDTINST M6000.1E].
- ¹¹ AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS: DSM-IV-TR (2000).
- ¹² AM. PSYCHIATRIC ASS'N, HIGHLIGHTS OF CHANGES FROM DSM-IV-TR TO DSM-5, at 9 (2013), <http://www.dsm5.org/Documents/changes%20from%20dsm-iv-tr%20to%20dsm-5.pdf>
- ¹³ AM. PSYCHIATRIC ASS'N, *Section II: Trauma and Stressor-Related Disorders, Adjustment Disorder, Criteria*, in DSM-V, *supra* note 4, <http://dsm.psychiatryonline.org/content.aspx?bookid=556§ionid=41101771#103438574>.
- ¹⁴ AM. PSYCHIATRIC ASS'N, HIGHLIGHTS OF CHANGES, *supra* note 9, at 9.
- ¹⁵ U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M6000.1E, *supra* note 7, at chp.5.B.2.

¹⁶ See CH-35 to Personnel Manual, COMDTINST M1000.6A, March 5, 2002; CH-36 to Personnel Manual, COMDTINST M1000.6A, May 14, 2002; CH-37 to Personnel Manual, COMDTINST M1000.6A, Oct. 21, 2002; CH-38 to Personnel Manual, COMDTINST M1000.6A, Nov. 12, 2002; Personnel Manual, COMDTINST M1000.6A, April 23, 2010 (with changes 1-42). These documents are on file with the authors.

¹⁷ U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M1000.4, *supra* note 3, at 1.B.15.b.

¹⁸ *Id.* at 1.B.2.

¹⁹ *Id.* at 1.B.19.a.

²⁰ *Id.* at 1.B.19.b.

²¹ *Id.* at 1.B.15.h.2.

²² See Complaint, Vietnam Veterans of Am. v. U.S. Dep't of Def., 3:11-CV-2009-WWE (D. Conn Dec. 27, 2011); Complaint, Vietnam Veterans of Am. v. U.S. Dep't of Def., 3:10-CV-1972-AWT (D. Conn. Dec 15, 2010).

²³ See Appendix B. Notwithstanding the language of the settlement agreement, the separation packets actually produced by DHS included both PD and AD packets, and covered records up to 2012.

²⁴ See Appendix B; *see also* Order, Vietnam Veterans of Am. v. U.S. Dep't of Def., 3:10-cv-01972-AWT, ECF. No. 63.

²⁵ U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M1000.4, *supra* note 3, at 1.B.9, 1.B.15.d.,

²⁶ *Id.* at 1.B.15.d.3.

²⁷ *Id.* at 1.B.15.d.

²⁸ *Id.* at 1.B.9.e.2.

²⁹ *Id.*

³⁰ U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M1000.4, *supra* note 3, at 1.B.9.e.4.d.

³¹ U.S. DEP'T OF HOMELAND SECURITY, U.S. COAST GUARD, ENLISTED EMPLOYEE REVIEW WORKSHEET, CG 3788B (JULY 2012), *available at* http://www.uscg.mil/forms/cg/CG_3788B.pdf

³² See *supra* note 23.

³³ U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M1000.4, *supra* note 3, at 1.B.15.j.

³⁴ *Id.*

³⁵ *Id.* at 1.B.15.j, 1.B.15.e.

³⁶ *Id.* at 1.B.15.k. .

³⁷ *Id.*

³⁸ There is one additional requirement, the Summary of Military Offenses. The summary is often contained in the Separation Memorandum but the Coast Guard did not agree to produce this data specifically. However, it nevertheless did so in some packets. In total, the sample contained seventeen Separation Memorandums with either a summary of offenses in the enclosures or redacted enclosures. Giving the Coast Guard the benefit of the doubt for redactions, it had a compliance rate of 6.44%.

³⁹ U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M1000.4, *supra* note 3, at 1.B.15.h.2

⁴⁰ *Id.* at 1.B.15.c

⁴¹ *See* U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M6000.1E, *supra* note 7, at 5.B.1.b.

⁴² *See id.* at 5.B.2; 5.B.3.

⁴³ *See* U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M1000.4, *supra* note 3, at 1.B.15.h.2

⁴⁴ *See* Sample Packet in App. A.

⁴⁵ U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M1000.4, *supra* note 3, at 1.B.1.a.

⁴⁶ U.S. DEP'T OF HOMELAND SECURITY, COMDTINST M1000.4, *supra* note 3, at 1.B.5.c.