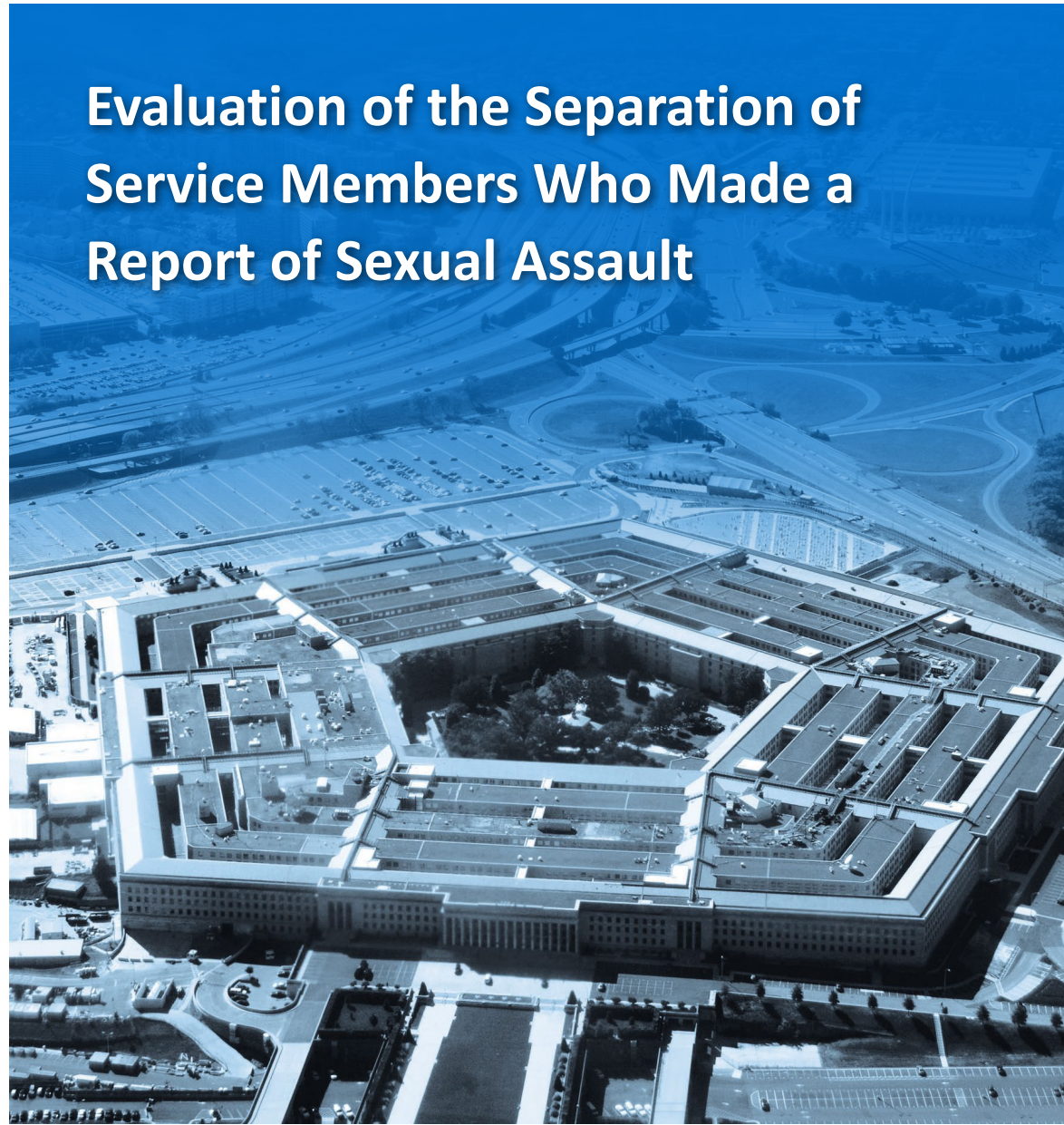




INSPECTOR GENERAL

U.S. Department of Defense

MAY 9, 2016



Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault

INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

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Vision

Our vision is to be a model oversight organization in the Federal Government by leading change, speaking truth, and promoting excellence—a diverse organization, working together as one professional team, recognized as leaders in our field.



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Results in Brief

Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault

May 9, 2016

Objective

In accordance with House Report 114-102 to accompany Public Law 114-92, "National Defense Authorization Act for Fiscal Year 2016," we evaluated the separations of service members who made unrestricted reports of sexual assault. We evaluated whether the Military Services carried out separations in compliance with DoD Instruction 1332.14, "Enlisted Administrative Separations," January 27, 2014, and Incorporating Change 1, Effective December 4, 2014, for the following non-disability mental conditions (NDMCs):

- Personality Disorder
- Adjustment Disorder
- Disruptive Behavior Disorder
- Impulse Control Disorder
- Mental Condition, Other
- Condition, Not a Disability

Findings

Finding A

1. 239 (67 percent) of the 355 separation records available were not completed in accordance with DoDI 1332.14.
2. 108 (22 percent) of 498 separation records requested from the Services were either missing or incomplete and could not be evaluated.

Finding B

The Military Services did not complete a total of 254 (72 percent) of 355 DD Forms 214, "Certificate of Release or Discharge from Active Duty," as required by DoDI 1336.01, "Certificate of Release or Discharge from

Findings (cont'd)

Active Duty." The DD Forms 214 had Separation Program Designator (SPD) codes that did not coincide with the diagnosed NDMCs. DoDI 1336.01 requires the Military Services to provide active duty service members who are separated a complete and accurate DD Form 214.

As a result, numerous service members had inaccurate DD Forms 214. The inaccurate DD Forms 214 may adversely affect DoD's ability to analyze trends related to NDMC separations as required by DoDI 1336.01 and violate service members' rights to have an accurate record of their service.

Recommendations

Recommendation A

1. We recommend that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Services, update policy to establish management control procedures for separating service members for Non-Disability Mental Conditions to ensure service members are properly counseled, in writing, and separations are processed and recorded in accordance with policy.
2. We recommend that the Secretaries of the Military Departments and the Commandant of the Marine Corps comply with DoD Instruction 1336.08, "Military Human Resource Records Life Cycle Management," to ensure all records are available, accurate, and complete.

Recommendation B

1. We recommend that the Under Secretary of Defense for Personnel and Readiness evaluate the necessity of including Separation Program Designator codes on service members' DD Forms 214, "Certificate of Release or Discharge from Active Duty," and revise DoD Instruction 1336.01, "Certificate of Release or Discharge from Active Duty," if warranted.
2. We recommend that the Secretaries of the Military Departments and the Commandant of the Marine Corps ensure the Services comply with



Results in Brief

Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault

Recommendations (cont'd)

DoD Instruction 1336.01, "Certificate of Release or Discharge from Active Duty," by providing accurate and complete DD Forms 214, "Certificate of Release or Discharge from Active Duty," to service members separating for all Non-Disability Mental Conditions.

Management Comments and Our Response

We received management comments to the draft report from the Principal Deputy Assistant Secretary of Defense for Manpower and Reserve Affairs, performing the Duties of the Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDASD P&R) and the Secretary of the Air Force Principal Deputy Assistant Secretary for Manpower and Reserve Affairs (SAF/MR).

The PDASD P&R agreed with our recommendations. She believes the recommended actions will assist in addressing underlying separation issues currently being reviewed by the Military Service Member Separation Standardization Working Group (MSMSSWG) established on July 20, 2015, in response to the National Defense Authorization Act for FY 2015. She advised that the Assistant Secretary of Defense for Manpower and Reserve Affairs, via the MSMSSWG, has been directed

Management Comments and Our Response (cont'd)

to make recommendations that bring standardization across the Military Services, including the Reserve Components, which uniformly track service member separations for NDMC. The MSMSSWG was stood up in August 2015 and is expected to report out in 2017. The DoD OIG will periodically track the MSMSSWG's progress in relation to our recommendations as part of our audit follow-up process.

The SAF/MR concurred with our findings and recommendations. SAF/MR also provided comments that were administrative in nature that did not result in changes to our report. Given the satisfactory findings related to Air Force's NDMC separation records accountability, and DD Form 214 processing, we found SAF/MR's management comments to be responsive. However, SAF/MR comments did not address the specifics of the actions the Air Force would take to improve the accuracy of NDMC separation processing. We request additional management comments on the final report.

We did not receive requested management comments in response to the draft report from the Secretaries of the Army and Navy and the Commandant of the Marine Corps. As such, we are requesting their management comments in response to this final report. Please see the Recommendations Table on the next page.

Recommendations Table

Management	Recommendations Requiring Comment	No Additional Comments Required
The Under Secretary of Defense for Personnel and Readiness		A.1 and B.1
Secretaries of the Military Departments (Army and Navy)	A.2 and B.2	
Secretary of the Air Force	A.2	B.2
Commandant of the Marine Corps	A.2 and B.2	





**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500**

May 9, 2016

**MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS
COMMANDANT OF THE MARINE CORPS**

SUBJECT: Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault (Report No. DODIG-2016-088)

This report is provided for information and use. In accordance with House Report 114-102 to accompany Public Law 114-92 "National Defense Authorization Act (NDAA) for Fiscal Year 2016," we evaluated the separations of service members who made unrestricted reports of sexual assault. We evaluated whether the Services carried out separations of service members who made unrestricted reports of sexual assault, for non-disability mental conditions (NDMC), in compliance with DoD Instruction (DoDI) 1332.14, "Enlisted Administrative Separations," January 27, 2014, and Incorporating Change 1, Effective December 4, 2014.

Of the 498 NDMC separation records requested from the Services, 108 records were either missing or incomplete, and the Services did not complete 239 of the 355 separations we evaluated as required by guiding policy. Additionally, 254 associated DD Forms 214, "Certificate of Release or Discharge from Active Duty," August 1, 2009, had Separation Program Designator codes that did not coincide with diagnosed NDMCs. We conducted this evaluation in accordance with the Council of the Inspectors General on Integrity and Efficiency (CIGIE), "Quality Standards for Inspection and Evaluation."

We considered management comments on the draft of this report when preparing the final report. Comments from management conformed to the requirements of DoD Instruction 7650.03. The comments from the Under Secretary of Defense for Personnel and Readiness were responsive. The Air Force comments did not address the specifics of the actions the Air Force would take to improve the accuracy of NDMC separations processing. We request management comments in response to the final report from the Secretaries of the Military Departments and the Commandant of the Marine Corps.

We appreciate the courtesies extended to the staff during the evaluation. Please direct questions to Mr. John Dippel at (703) 604-9294 (DSN 664-9294).

A handwritten signature in black ink, appearing to read "R. Stone", is positioned above the name of the Deputy Inspector General.

Randolph R. Stone
Deputy Inspector General
Policy and Oversight

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Acronyms and Abbreviations

Introduction

Objective

In accordance with House Report 114-102 to accompany Public Law 114-92 “National Defense Authorization Act (NDAA) for Fiscal Year 2016,” we reviewed the separations¹ of service members who made unrestricted reports of sexual assault.² We evaluated whether the Services carried out separations in compliance with DoD Instruction (DoDI) 1332.14, “Enlisted Administrative Separations,” January 27, 2014, and Incorporating Change 1, Effective December 4, 2014, for the following non-disability mental conditions (NDMCs):

- Personality Disorder
- Adjustment Disorder
- Disruptive Behavior Disorder
- Impulse Control Disorder
- Mental Condition, Other
- Condition, Not a Disability

See Appendix A for the scope and methodology.

Background

The DoD Inspector General (DoD IG) initiated this project in accordance with H.R. 1735, “National Defense Authorization Act for Fiscal Year 2016” (now Public Law 114-92, November 25, 2015):

Inspector General Report on Separation of Members Who Made a Sexual Assault Report

The committee is concerned about early discharges of service members who have made a report of sexual assault. The committee directs the Department of Defense Inspector General to conduct a review of all separations of service members who have made an unrestricted report of sexual assault since January 1, 2002. This review should address the type of separation, in cases where the member was separated on the grounds of having a personality or Adjustment Disorder, whether the separation was carried out in compliance with Department of Defense Instruction (DoDI) 1332.14,

¹ A general term that includes discharge, release from active duty, release from custody and control of the Armed Forces, transfer to the Individual Ready Reserve, and similar changes in Active or Reserve status.

² DoD Directive (DoDD) 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” January 23, 2012, Incorporating Change 2, Effective January 20, 2015, defines unrestricted reporting as “[a] process that an individual covered by this policy uses to disclose, without requesting confidentiality or Restricted Reporting, that he or she is the victim of a sexual assault.”

[Enlisted Administrative Separations] and any other applicable Department of Defense regulations, directives, and policies. The committee directs the Inspector General to submit a report on the findings of its review to the congressional defense committees not later than May 1, 2016.

In response to the NDAA requirements, the DoD Office of Inspector General (DoD OIG) met with House Armed Services Committee (HASC) staff members to determine the scope of the evaluation as described in the Objective section.³

The United States Government Accountability Office (GAO) Report No. 15-266, “Better Tracking and Oversight Needed of Service Member Separations for [NDMC]” February 2015 states, “[DoD] and three of the four military Services-Army, Navy, and Marine Corps-cannot identify the number of enlisted service members separated for [NDMC]-mental conditions that are not considered Service-related disabilities.” GAO undertook the study to determine:

the extent to which . . . DOD and the military Services are able to identify the number of enlisted [service members] separated for [NDMC], and . . . [if] the military Services are complying with DOD requirements when separating enlisted [service members] for [NDMC], and how DOD and the military Services oversee such separations.

Further, GAO found that:

For most [NDMC] separations, these Services use the broad separation code, ‘Condition, Not a Disability,’ which mixes [NDMC] with non-disability physical conditions, such as obesity, making it difficult to distinguish one type of condition from the other. In contrast the Air Force is able to identify such service members because it uses all five of the separation codes specific to non-disability mental conditions.

On July 20, 2015, as a result of GAO Report No. 15-266, and language contained in the NDAA for Fiscal Year 2016, the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD P&R), Readiness, Force Management Division announced the formation of the “Military Service Member Separation Standardization Working Group” (MSMSSWG). This group was chartered to develop a method to uniformly track separations for NDMC, conduct a

³ DoD IG representatives met with the HASC staff members to discuss the scope of the evaluation. The staff agreed to the DoD OIG suggested adjustment of the scope of work beginning date from January 1, 2002, to January 1, 2009. HASC staff also agreed we should examine all NDMCs including personality disorder and adjustment disorder, and those separations related to individuals who reported a sexual assault to the Military Criminal Investigative Organizations. i.e., US Army Criminal Investigation Command, Naval Criminal Investigative Service, and the Air Force Office of Special Investigation.

comprehensive evaluation of Separation Program Designator (SPD) codes, reevaluate the information on the DD Form 214, "Certificate of Release or Discharge from Active Duty," August 1, 2009, and ensure compliance with policy and processes. Members of the MSMSSWG include representatives from the Services' personnel management offices, as well as the Defense Human Resources Activity, and National Guard and Reserve components. See Appendix F for the MSMSSWG charter.

Service Separations

To manage the military force structure, the Services separate service members on a regular basis. Among other reasons, the Services may separate service members when they find them to be unsuitable for continued Service. DoDI 1332.14 establishes the various reasons for separations of service members. Among the reasons is "conditions and circumstances not constituting a physical disability." Separations on the basis of personality disorder, or other mental disorder, that do not constitute a physical disability, hereinafter referred to as NDMC [non-disability mental conditions], must meet certain conditions. If an NDMC interferes with the service member's ability to function, the Service may initiate separation proceedings. Furthermore, the Service (involuntarily), as well as the service member (voluntarily), may initiate separation actions. Involuntary separations include medical and mental health reasons, failure to promote, physical fitness, disciplinary actions, and others. Voluntary separations include end of term of Service, retirement, pregnancy, and others.

DoDI 1336.01, "Certificate of Release or Discharge from Active Duty," August 20, 2009, Incorporating Change 1, Effective December 29, 2014, requires the Services to use SPD codes so DoD can track and analyze separations. DoD established six SPD codes that the Services may use for NDMC on the DD Form 214. Reasons for separations are identified by specific codes as addressed in DoDI 1332.14, "Enlisted Administrative Separations," January 27, 2014. See Appendix E for details.

The SPD code used by the Services for the service member's separation may include an indication of a disability. The Services use this designation to determine whether the service member is entitled to severance pay or to prompt the Services to recoup benefits no longer authorized as a result of the separation. The SPD code does not affect potential follow-on determinations by the Department of Veterans Affairs for administrative disability ratings and benefits to which the service member may be entitled.

Separation of Service Members Alleging Sexual Assault Review Results

In response to the congressional reporting requirement and as part of the initial phase of our evaluation, we reviewed the separations of service members who made unrestricted reports of sexual assault from January 1, 2009, to June 30, 2015. The Defense Manpower Data Center (DMDC)⁴ found personnel transaction records on file for 15,461 service members who made unrestricted reports of sexual assault for the reporting period. Of that number, the Services separated a total of 5,301 service members (34 percent) who reported a sexual assault (see Table 1).

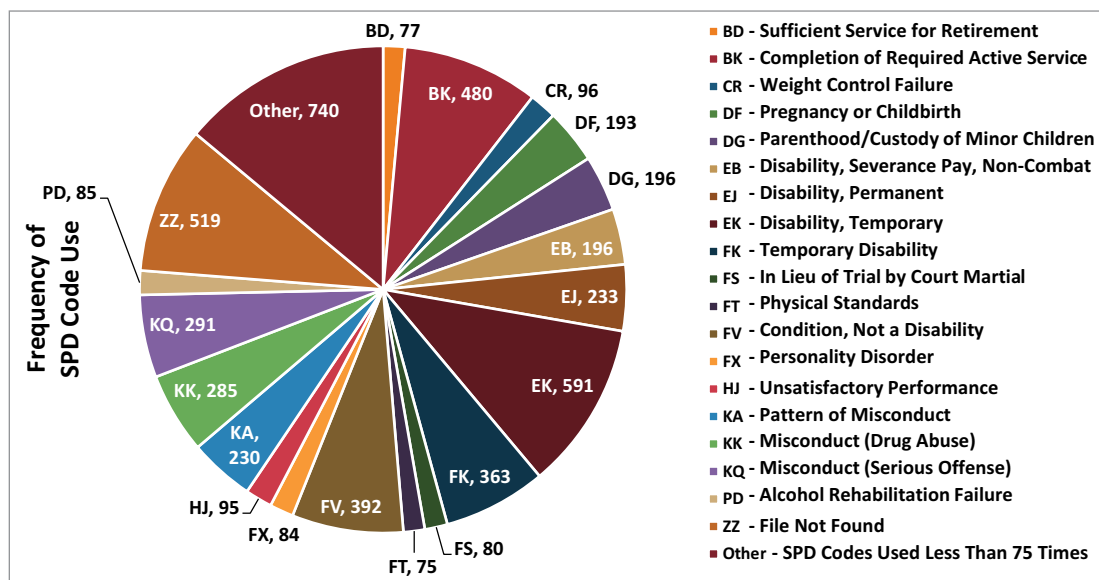
Table 1. Total Separations and Continued Service of Service Members Who Made Unrestricted Reports of Sexual Assaults

	Army		Navy		Air Force		Marine Corps		Total
	Female	Male	Female	Male	Female	Male	Female	Male	
Separated	2,312 40%	541 36%	867 31%	180 31%	653 26%	104 25%	500 37%	144 33%	5,301 34%
Continued Service	3,530 60%	948 64%	1,943 69%	405 69%	1,894 74%	309 75%	833 63%	298 67%	10,160 66%
Total	5,842	1,489	2,810	585	2,547	413	1,333	442	15,461

The balance of the separations by SPD code are depicted in Figure 1 and detailed in Appendix C.

⁴ DMDC operates DoD-wide personnel programs and conducts research and analysis as directed by the OUSD P&R. Further, DMDC collects, archives, and maintains accurate, and readily available manpower and personnel data, as well as financial databases for DoD.

Figure 1. SPD Codes Assigned to the 5,301 Service Members Who Separated After Reporting a Sexual Assault^{1,2}



¹ The "other" category is a combination of all SPD codes used less than 75 times.

² The ZZ SPD code represents a data error in the DMDC database which indicates the Services had not updated the code, there was not a separation record on file, or DMDC did not recognize the information the Service provided.

The 5,301 separations include: 131 commissioned officers; 7 warrant officers, 63 senior noncommissioned officers (pay grades E-7 – E-9), 829 junior noncommissioned officers (pay grades E-5 and E-6); and, 4,271 enlisted personnel (pay grades E-1 – E-4). The remaining responsive NDMC records (498) contained only separations of enlisted personnel. See Appendix C, Table 16 for details.

DoD Instruction 1332.30, "Separation of Regular and Reserve Commissioned Officers," November 25, 2013, establishes requirements for officer separations. This policy grants officers and warrant officers the right to a hearing by a Board of Inquiry before administrative separations.⁵ There were no commissioned or warrant officers separated for a NDMC during the period evaluated.

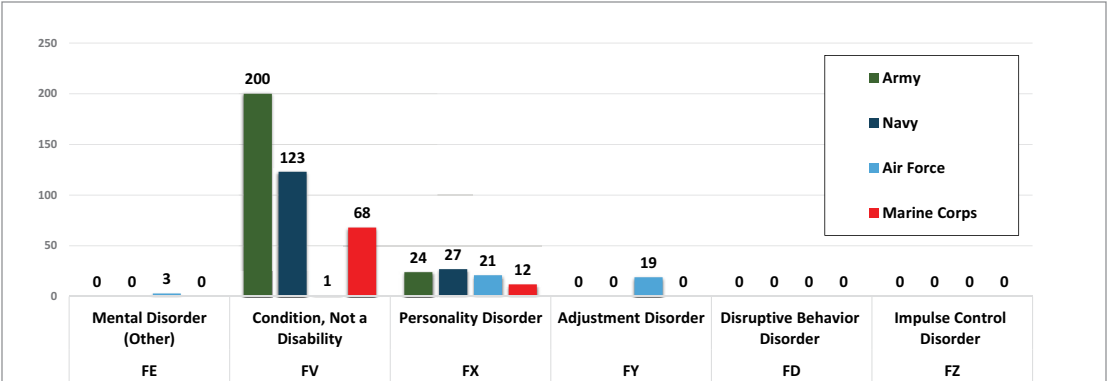
An analysis of the 138 commissioned and warrant officers disclosed that 50 were separated following a medical board for a disability, 24 were separated for disciplinary reasons, 19 completed their term of service or retired, and 13 were separated for failure to meet various standards. Figure 13 in Appendix C contains a more complete breakdown.

⁵ In accordance with DoD policy, enlisted personnel diagnosed with an NDMC may be administratively separated from the Service without a medical board review before separation.

NDMC Separations

Of the 5,301 separations of service members following reports of sexual assault, information provided by DMDC indicates that 498 (9 percent) service members were separated for NDMC. Of 498 separations, 392 (79 percent) were for Condition, Not a Disability SPD Code (FV), and 84 (21 percent) were for Personality Disorder SPD Code (FX). Only the Air Force separated service members (22) for Adjustment Disorder SPD Code (FY) or Mental Condition, Other SPD Code (FE). See Figure 2.

Figure 2. Number and Types of NDMC Separations of Service Members Who Reported a Sexual Assault



Finding A

The Military Services Failed to Complete Two-Thirds of Service Member Separations for NDMC as Required by Guiding Policies

1. 239 (67 percent) of the 355 separation records available were not completed in accordance with DoDI 1332.14 and DoDI 1336.01.
2. 108 (22 percent) of 498 separation records requested from the Services were either missing or incomplete and could not be evaluated.

Evaluation of Service Members' Non-disability Mental Condition Separations

DoDI 1336.08, "Military Human Resource Records Life Cycle Management," November 13, 2009, requires the Services to maintain accurate records of a service member's career to include separation related information.

Available Records for Evaluation

Of the 498 NDMC separation records, we could not evaluate 108 records. Of those 108 records, 43 could not be located by the Services and 65 were incomplete and insufficient for evaluation. See Table 2.

Table 2. Availability of NDMC Separation Records Requested

Service	Records Requested	Missing Record	Incomplete Record	Total Missing/Incomplete	Records Evaluated (percent)
Army	224	2	46	48	79
Navy	150	39	18	57	61
Air Force	44	1	1	2	95
Marine Corps	80	1	0	1	99
Total	498	43	65	108	78

We defined an incomplete record as one in which the Service did not provide enough of the record for evaluators to assess the record's compliance with policy. Examples of incomplete packages include those with only a DD Form 214, those that did not contain a copy of the separation order from the commander, or those with other pertinent documents missing. Evaluation of the Services' record-keeping practices was not within the scope of the evaluation and thus, we did not determine the cause of missing or incomplete records. After we identified each service had not provided all the records requested in the initial data call, we contacted the

Service records repository representatives and requested they provide the missing records. Over the course of several weeks and through repeated contact with the records repository representatives, we were able to obtain some, but not all of the missing records. The Army and Navy located several missing records, but could not locate all of them. The Air Force and Marine Corps were unable to locate one missing record each.

There is no consistent process for separation records documentation requirements. DODI 1336.08 identifies a few specific documents that must be retained, but the Services are provided only general guidance for separation record documentation requirements, i.e., “[p]ersonal documents and non-service related documents, if deemed necessary and appropriate by the Military Service and if applicable.” The Services inability to provide the full number of NDMC separation records requested hampered our ability to fully comply with the congressional reporting requirement.

During our evaluation, we found that the Services coded 34 records as Condition, Not a Disability SPD Code (FV) that were physical conditions (non-disability physical condition [NDPC]), rather than mental conditions. Accordingly, we excluded those records from our evaluation. This coincides with GAO’s finding (GAO Report No. 15-266) discussed in the Background section that the Services “use the broad separation code ‘Condition, Not a Disability,’ which mixes [NDMC] with [NDPC], such as obesity, making it difficult to distinguish one type of condition from the other.” Additionally, we eliminated one separation that the Navy erroneously assigned as an NDMC separation. The member’s separation was actually for disciplinary reasons.

Ultimately, we evaluated 355 complete NDMC separation records. We determined the Services did not complete 239 (67 percent) of 355 as required by guiding policy as discussed in the following sections.

Table 3 depicts a breakdown by Service of records evaluated and the composite error rate in which the evaluation disclosed at least one error related to the nine policy criteria data points derived from the eight policy requirements.

Table 3. Analysis of Error Rate

Service	Evaluated	Error Free	At Least One Error Noted	Non-Compliance (percent)
Army	166	26	140	84
Navy	86	38	48	66
Air Force	42	30	12	29
Marine Corps	61	22	39	64
Totals	355	116	239	67

Evaluation of Separation Records

DoDI 1332.14 lists eight administrative separation requirements the Services must follow when separating enlisted service members for NDMCs. We evaluated each separation record against the separation requirements identified in DoDI 1332.14. From those requirements, we derived nine questions for our evaluation protocol. We evaluated each of the 355 NDMC separation records against the protocol. We also examined Service policies and found them to be consistent with DoD policy. See Appendixes A and D.

Table 4 depicts a breakdown by policy requirement, Service, and compliance rates of the 355 separation records evaluated.

Table 4. Number of Compliant Records

Criteria	Service Compliance with Criteria				
	Army	Navy	Air Force	Marine Corps	Total
Did the service member receive formal counseling?	156 (94%)	78 (91%)	42 (100%)	59 (97%)	335 (94%)
Was the service member afforded adequate opportunity to improve behavior?	113 (68%)	59 (69%)	38 (90%)	38 (62%)	248 (70%)
Was the service member's NDMC diagnosis made by a psychiatrist or PhD level psychologist?	153 (93%)	85 (99%)	42 (100%)	49 (80%)	329 (93%)
Did diagnosis include statement / judgment from psychiatrist or PhD-level psychologist the service member's disorder was so severe the service member's ability to function effectively in military environment was significantly impaired?	140 (84%)	73 (85%)	42 (100%)	32 (52%)	287 (81%)
Did the service member receive written diagnosis of impending separation based on diagnosis?	155 (93%)	75 (87%)	41 (98%)	54 (89%)	325 (92%)
Was the service member counseled in writing that the condition does not qualify as a disability?	39 (23%)	63 (73%)	35 (83%)	49 (80%)	186 (52%)
Service Members Who Served in an IDP Area					
Was service member's diagnosis corroborated by peer psychiatrist or PhD-level psychologist or higher level mental health professional?	N/A	0 (0%)	1 (50%)	N/A	1 (33%)
Did service member's diagnosis address PTSD or other mental illness co-morbidity?	N/A	0 (0%)	0 (0%)	N/A	0 (0%)
Was the service member's diagnosis endorsed by the Surgeon General of the Military Department?	N/A	0 (0%)	0 (0%)	N/A	0 (0%)

Tables 5 through 13 provide a breakdown separated by policy requirement reflecting the total records evaluated, the number compliant, and the compliance rates. The N/A column in the tables is blank, when evaluators did not have that as an option when answering the question.

1. Did the service member receive formal counseling?

DoDI 1332.14 requires that “[s]eparation processing will not be initiated until the service member has been formally counseled on his or her deficiencies and has been given an opportunity to correct those deficiencies.” We documented the evaluation of those records where the Services clearly documented the counseling as “yes.” Where the evaluator was unable to determine if the Services conducted counseling, we annotated the record “not indicated.” The Services formally counseled 335 (94 percent) service members prior to their separation. Table 5 depicts a breakdown by Service of service members whose separation package contained documentation of required formal counseling.

Table 5. Service Members who Received Formal Counseling

Service	Evaluated	Yes	Not Indicated	N/A	Compliance (percent)
Army	166	156	10	–	94
Navy	86	78	8	–	91
Air Force	42	42	0	–	100
Marine Corps	61	59	2	–	97
Totals	355	335	20	–	94

2. Was the service member afforded adequate opportunity to improve his/her behavior before being separated on the basis of the NDMC diagnosis?

DoDI 1332.14 states “[s]eparation processing will not be initiated until the enlisted service member has been formally counseled on his or her deficiencies and has been given an opportunity to correct those deficiencies.”⁶ For the purpose of this report, we annotated those records where the Services clearly documented counseling sessions where the service member is provided an opportunity to correct their behavior as “yes.” Where the evaluator could not determine if the Services provided that opportunity, we annotated the record “not indicated.” Evaluators marked compliant records “yes.” The Services provided time to correct deficient behavior to 248 (70 percent) service members before their separation. Table 6 depicts a breakdown by Service of service members whose separation package contained documentation of adequate opportunity to improve behavior prior to separation.

⁶ DoDI and Service policy do not define “opportunity to correct.” Accordingly, we evaluated each separation package and determined whether the separation met the spirit and intent of the policies.

Table 6. Service Members Who Were Afforded Time to Correct Behavior

Service	Evaluated	Yes	No	Not Indicated	N/A	Compliance (percent)
Army	166	113	35	18	–	68
Navy	86	59	15	12	–	69
Air Force	42	38	4	0	–	90
Marine Corps	61	38	12	11	–	62
Totals	355	248	66	41	–	70

3. Was the service member's NDMC diagnosis made by a psychiatrist or PhD-level psychologist?

DoDI 1332.14 mandates an authorized mental health provider as identified in DoD Directive (DoDD) 6490.04, "Mental Health Evaluations of Members of the Military Services," March 4, 2013, must make the diagnosis constituting the need for a service member to be separated on the basis of Personality Disorder, or other mental disorder not constituting a physical disability. We annotated records where the separation package clearly identified the medical provider as a qualifying professional as "yes." Records where there is not a clear identification of the medical profession are annotated "not indicated." Compliant records are those marked "yes" and not applicable. An authorized mental health provider diagnosed a total of 329 (93 percent) service members' NDMC separations. Table 7 depicts a by Service distribution of service members whose separation package contained documentation that the qualified mental health provider made the diagnosis.

Table 7. Service Members Whose Diagnosis Was Made by a Qualified Mental Health Provider

Service	Evaluated	Yes	No	Not Indicated	N/A	Compliance (percent)
Army	166	61	2	11	92	92
Navy	86	36	0	1	49	99
Air Force	42	40	0	0	2	100
Marine Corps	61	21	1	11	28	80
Totals	355	158	3	23	171	93

4. Did the diagnosis include a statement or judgment from the psychiatrist or PhD-level psychologist that the service member’s disorder was so severe that the service member’s ability to function effectively in the military environment was significantly impaired?

DoDI 1332.14 requires “a diagnosis by an authorized mental health provider as defined in DoDI 6490.04 [“Mental Health Evaluations of Members of the Military Services,” March 4, 2013] utilizing the Diagnostic and Statistical Manual of Mental Disorders. . . . and, in accordance with procedures established by the Military Department concerned, concludes that the disorder is so severe that the member’s ability to function effectively in the military environment is significantly impaired.” For the purpose of this evaluation, we annotated those records where the separation package clearly documented the statement, as “yes.” Where the evaluator was unable to determine if a psychiatrist or PhD-level psychologist made the statement, we annotated “not indicated.” Compliant records are those marked “yes.” A total of 287 (81 percent) service members’ diagnoses included the required statement from an authorized mental health provider. Table 8 depicts a breakdown by Service of service members whose separation package contained documentation of a diagnosis statement indicating an incompatibility with military Service.

Table 8. Service Members Who Received a Diagnosis Statement Indicating Incompatibility with Military Service

Service	Evaluated	Yes	Not Indicated	N/A	Compliance (percent)
Army	166	140	26	–	84
Navy	86	73	13	–	85
Air Force	42	42	0	–	100
Marine Corps	61	32	29	–	52
Totals	355	287	68	–	81

5. Did the service member receive written notification of his or her impending separation based on the diagnosis?

DoDI 1332.14 requires the service member be notified in writing that his or her separation is due to the diagnosis. We annotated those records where the Services clearly document the reason for discharge and provided it to the service member, as “yes.” When the evaluator was unable to determine if the Services clearly documented the reason for discharge and provided it to the service member, we annotated the record as “not indicated.” Compliant records are those marked “yes.” A total of 325 (92 percent) service members received the written notice as required. Table 9 depicts a by Service distribution of service members whose separation package contained documentation of a written notification of impending separation based on the non-disability mental health condition diagnosis.

Table 9. Service Members Who Received Written Notification Their Separation Was Due to a Non-Disability Mental Health Condition

Service	Evaluated	Yes	Not Indicated	N/A	Compliance (percent)
Army	166	155	11	–	93
Navy	86	75	11	–	87
Air Force	42	41	1	–	98
Marine Corps	61	54	7	–	89
Totals	355	325	30	–	92

6. Was the service member counseled in writing that the condition does not qualify as a disability?

DoDI 1332.14 requires the service member be notified in writing that his or her diagnosis does not constitute a disability. A total of 186 (52 percent) service members received written notification their diagnosed condition does not qualify as a disability. When the discharge notification included a statement the diagnosis was not a disability, we annotated the record “yes.” When the evaluator was unable to determine if a notification letter included the required information, we annotated the record as “not indicated.” Compliant records are those marked “yes.”

Of 169 noncompliant Service records, 127 (75 percent) were Army records, which were missing documentation. The Army records lacked evidence of counseling or contained a statement that the service member was separated “under the provisions of AR [Army Regulation] 635-200, chapter 5, section III, paragraph 5-17.” Although it is possible the Services provided this counseling to the service member in their medical record or other record, the requirement appears in a personnel instruction and should be part of the service member’s historical record. Army records evaluated consistently contained a statement, which states the service member was separated “under the provisions of AR 635-200, chapter 5, section III, paragraph 5-17.” There is no direction for the service member to read the guidance to find out that the NDMC is not considered a disability, therefore, we do not consider this statement to meet the spirit and intent of the counseling requirement. Table 10 depicts a by Service distribution of service members whose separation package contained documentation of the service member being counseled in writing that their diagnosis did not qualify as a disability.

Table 10. Service Members Who Received Written Counseling That Their Diagnosis was Not a Disability

Service	Evaluated	Yes	Not Indicated	N/A	Compliance (percent)
Army	166	39	127	–	23
Navy	86	63	23	–	73
Air Force	42	35	7	–	83
Marine Corps	61	49	12	–	80
Totals	355	186	169	–	52

(The remaining three criteria data points apply only to service members who served in an Imminent Danger Pay (IDP) area.)⁷

7. Was the service member's diagnosis corroborated by a peer psychiatrist or PhD-level psychologist or higher level mental health professional?⁸

DoDI 1332.14 requires the NDMC diagnosis be peer reviewed by an authorized mental health provider if a service member was deployed to a location where the service member received imminent danger pay (IDP) and was assigned the SPD codes FD, FE, FX, FY, and FZ (Ref See Figure 2 for details). Of the 355 records, 3 met this criteria and only 1 of the 3 was peer reviewed. We annotated those records when the Services clearly documented the corroboration as “yes.” When the evaluator was unable to determine if the Services corroborated, we annotated the record as “not indicated.” Table 11 depicts a by Service distribution of service members whose separation package contained documentation of a corroboration by an authorized mental health provider.

Table 11. Service Members Whose Diagnosis Was Peer Reviewed by an Authorized Mental Health Provider

Service	Evaluated	Yes	Not Indicated	N/A	Compliance (percent)
Army	0	0	0	–	N/A
Navy	1	0	1	–	0
Air Force	2	1	1	–	50
Marine Corps*	0	0	0	–	N/A
Totals	3	1	2	–	33

* The Marine Corps corroborated one of their service member's diagnosis with a peer psychiatrist, PhD-level psychologist or a higher level mental health professional, even though it was not required by policy because the service member did not serve in an IDP area; the record is not reflected in the table.

⁷ Service members receive IDP when they are on duty outside of the United States and are subject to the threat of physical harm or imminent danger due to wartime conditions, terrorism, civil insurrection, or civil war. In some locations, IDP applies only for duty on the ground; and in other locations, ground, airspace, or duty aboard ship and at sea qualify.

⁸ The condition, not a disability SPD code (FV), does not limit the diagnosis to the authorized mental health professional identified in DoDD 6490.04, “Mental Health Evaluations of Members of the Military Services,” March 4, 2013, because this code can represent physical conditions or other non-mental health-related diagnosis.

8. Did the service member's NDMC diagnosis address Post-Traumatic Stress Disorder (PTSD) or other mental illness co-morbidity?

DoDI 1332.14 requires the NDMC diagnosis consider the possibility of co-morbidity.⁹ Records in which the mental health care provider clearly documented their consideration of a co-morbidity were marked "yes." When the evaluator was unable to determine if the provider considered a co-morbidity in the diagnosis, the record was annotated "not indicated."

Of the 355 records, 3 met the criteria and none of them had documented the consideration of PTSD. No records considered an inclusion of a PTSD diagnosis (if required). Only service members who deployed to a location where they received IDP and were assigned the FD, FE, FX, FY, and FZ SPD codes required corroboration. Table 12 depicts a by Service distribution of service members whose separation package contained documentation of the consideration of PTSD or other mental illness co-morbidity.

Table 12. Service Members Whose Record Reflects Consideration of Other Mental Health Co-Morbidity

Service	Evaluated	Yes	Not Indicated	N/A	Compliance (percent)
Army	0	0	0	–	N/A
Navy	1	0	1	–	0
Air Force	2	0	2	–	0
Marine Corps*	0	0	0	–	N/A
Totals	3	0	3	–	0

* The Marine Corps corroborated one of their service member's diagnosis with a peer psychiatrist, PhD-level psychologist or a higher level mental health professional, even though it was not required by policy because the service member did not serve in an IDP area; the record is not reflected in the table.

9. Was the service member's diagnosis endorsed by the Surgeon General of the Military Department concerned before separation?

DoDI 1332.14 requires the Surgeon General of the Military Department concerned endorse the diagnosis before separation. When the evaluator was unable to determine if the Services obtained the endorsement, we annotated the record "not indicated." For the three records evaluated, the Services did not obtain endorsement from the Surgeon General. Only service members who deployed and received IDP and are assigned the FD, FE, FX, FY, and FZ SPD codes required corroboration. Table 13 depicts a by Service distribution of service members whose separation package contained documentation of an endorsement by the Department Surgeon General prior to separation.

⁹ Existing simultaneously with and usually independently of another medical condition.

Table 13. Service Members Who Received an Endorsement from the Department Surgeon General

Service	Evaluated	Yes	Not Indicated	N/A	Compliance (percent)
Army	0	0	0	–	N/A
Navy	1	0	1	–	0
Air Force	2	0	2	–	0
Marine Corps*	0	0	0	–	N/A
Totals	3	0	3	–	0

* The Marine Corps corroborated one of their service member's diagnosis with a peer psychiatrist, PhD-level psychologist or a higher level mental health professional, even though it was not required by policy because the service member did not serve in an IDP area; the record is not reflected in the table.

Conclusions

We requested a total of 498 NDMC separation records from the Services and received 455 (222 of 224 Army, 111 of 150 Navy, 43 of 44 Air Force, and 79 of 80 Marine Corps) of the NDMC separation records requested. The Services could not locate 43 of the NDMC separation records requested (2 Army, 39 Navy, 1 Air Force, and 1 Marine Corps).

Of the 455 NDMC separation records received, 65 records were incomplete (46 Army, 18 Navy, and 1 Air Force). We found that 46 of 224 (21 percent) of the Army's NDMC separation records and 18 of 150 (12 percent) of the Navy's NDMC separation records were incomplete. Additionally, we eliminated 34 records which pertained to NDPC (as detailed below), and 1 Navy separation record which pertained to a disciplinary separation. Therefore, we could evaluate only 355 (71 percent) of the NDMC separation records originally requested (166 Army, 86 Navy, 42 Air Force, and 61 Marine Corps).

All Services were deficient in executing NDMC separations, including those for Personality Disorders and Adjustment Disorders. Of the 355 separation records evaluated, 239 records (67 percent) did not comply with DoD and Service policies. The Army error rate is substantially affected by the high number (39 of 166 (23 percent)) that did not comply with the requirement that service members receive counseling, in writing, that their diagnosis was not a disability.

In addition to our findings above, we observed that 34 (10 Army, 6 Navy, and 18 Marine) NDMC separation records for Condition, Not a Disability SPD code FV, were not related to a mental health condition but were actually for a physical condition. DoD and Service policies and the categorization of SPD codes do not enable differentiation between NDMC and NDPC separations. As pointed out in GAO Report No.15-266, this condition hampers the Department's ability

to analyze data and fully identify NDMC separations. Since GAO previously recommended DoD and the Military Services “develop a method to identify the number of service members separated for [NDMC],” we did not make an additional recommendation. We rely on the MSMSSWG to resolve this matter within their charter (see Appendix G) to develop policy to uniformly track separations.

Recommendations, Management Comments, and Our Response

Recommendation A

1. **We recommend that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Services, update policy to establish management control procedures for separating service members for Non-Disability Mental Conditions to ensure service members are properly counseled, in writing, and separations are processed, recorded, and retained in accordance with policy.**
2. **We recommend that the Secretaries of the Military Departments and the Commandant of the Marine Corps comply with DoD Instruction 1336.08, “Military Human Resource Records Life Cycle Management,” to ensure all records are available, accurate, and complete.**

Recommendation A.1.

Under Secretary of Defense for Personnel and Readiness

The Principal Deputy Assistant Secretary of Defense for Manpower and Reserve Affairs, performing the Duties of the Principal Deputy Under Secretary of Defense for Personnel and Readiness concurred with our recommendations (A.1. and B.1.). She believes the recommended actions will assist in addressing underlying separation issues currently being reviewed by the Military Service Member Separation Standardization Working Group (MSMSSWG) established on July 20, 2015 in response to the National Defense Authorization Act for FY 2015. She advised that the Assistant Secretary of Defense for Manpower and Reserve Affairs, via the MSMSSWG, will address our concerns. The working group has been directed to make recommendations that bring standardization across the Military Services, including the Reserve Components, which uniformly track service member separations for non-disability mental conditions. The MSMSSWG was stood up in August 2015 and is expected to report out in 2017.

Our Response

The management comments from the Principal Deputy Assistant Secretary of Defense for Manpower and Reserve Affairs are responsive to our recommendations and no further comments are required. The DoD OIG will periodically track the MSMSSWG's progress in relation to our recommendations as part of our follow-up process.

Recommendation A.2.

Secretary of the Air Force

The Secretary of the Air Force Principal Deputy Assistant Secretary for Manpower and Reserve Affairs (SAF/MR) concurred with our findings and recommendations. SAF/MR also provided comments that were administrative in nature.

Our Response

Given the satisfactory findings related to Air Force's non-disability mental condition separation records accountability, and DD Form 214 processing, we found SAF/MR's management comments to be responsive. However, SAF/MR comments did not address the specifics of the recommendations and the actions the Air Force would take to improve the accuracy of non-disability mental condition separation processing. We request additional management comments on the final report.

Management Comments Required

The Secretaries of the Army and Navy and the Commandant of the Marine Corps, did not provide comments on a draft of this report. We request that the Secretaries of the Army and Navy and the Commandant of the Marine Corps provide comments on the final report.

Finding B

The Military Services Used SPD Codes on DD Forms 214 That Either Were Improper or Did Not Match Diagnosed NDMCs

A total of 254 (72 percent) of 355 DD Forms 214, "Certificate of Release or Discharge from Active Duty," were not completed as required by DoDI 1336.01, "Certificate of Release or Discharge from Active Duty." The DD Forms 214 had Separation Program Designator (SPD) codes that did not coincide with diagnosed NDMCs. DoDI 1336.01 requires the Military Services to provide active duty service members who are separated a complete and accurate DD Form 214.

As a result, numerous service members had inaccurate DD Forms 214. The inaccurate DD Forms 214 may adversely affect DoD's ability to analyze trends related to NDMC separations as required by DoDI 1336.01 and violate service members' rights to have an accurate record of their service.

Improper NDMC SPD Codes on DD Forms 214

DoDI 1336.01 requires the Military Services to provide active duty service members who are separated a complete and accurate DD Form 214 containing a clear, concise historical summary of service. DoDI 1336.01 states SPD codes are intended for DoD internal use in collecting data to analyze statistical reporting trends. Further, DoD policy states that only the separated service member is "entitled access to his or her SPD code," and SPD codes are not intended to "stigmatize an individual in any manner."

GAO Report No. GAO-15-266 highlighted concerns of Army and Marine Corps officials regarding the possible stigmatization related to NDMC codes on service members DD Forms 214. GAO stated:

The three military services had varying reasons for using the broad separation code, "condition, not a disability." Navy and Marine Corps officials stated that they have historically used this code for most separations but Navy officials could not explain why they use this broad code instead of using one of the separation codes specific to non-disability mental conditions. Marine Corps officials cited concerns with potential stigma the service member may face if a more specific code is used. Army officials had a similar concern, stating that they use the broad separation code for most non-disability mental condition separations to protect enlisted service members after they leave the service. Army and Marine Corps officials told us they were concerned that employers may request the service member's copy of the DD Form 214 that has the separation code on

it, and having a code specific to a mental condition might stigmatize the service member. Army officials stated that this issue has been discussed in media articles for several years.

GAO reported both DoD and Air Force officials stated they had no evidence that including the SPD code on the DD Form 214 has caused problems for service members. However, GAO points out that because three Military Services are using the broad Condition, Not a Disability SPD Code (FV), for most NDMC separations, the resulting data cannot be used to identify the number of service members separated for NDMC.

For this evaluation, we interviewed a senior military personnel administrator from each Service. We learned that except for the Air Force, the Services' processes were not adhering to DoD policy regarding the application of SPD codes on DD Forms 214 as follows.

- Army Regulation (AR) 635-8, "Separation Processing and Documents," February 10, 2014, requires DD Forms 214 "be prepared accurately and completely." AR 635-200, "Active Duty Enlisted Administrative Separations," June 6, 2005, with "rapid action revision" September 6, 2011, establishes a timeline for the assignment of SPD codes for NDMCs. Service members with less than 24 months of service are assigned the SPD code pertinent to the diagnosed NDMC. However, service members with 24 months or more are assigned Condition, Not a Disability SPD code (FV) regardless of the diagnosed NDMC. The Army administrator stated that the SPD code (FV) was used to prevent stigmatizing the separated service member.
- Navy Bureau of Personnel Instruction (BUPERSINST) 1900.8D 2b, "Certificate of Release or Discharge from Active Duty," June 11, 2010, requires the Navy issue "accurate and complete" DD Forms 214. The Navy administrator stated that the Navy used a decentralized process for separations and could not account for the disparity between the NDMC diagnosis in the service member's separation record and the SPD codes on the DD Forms 214. The Navy official was not aware of any policy, formal or otherwise, directing Navy personnel technicians to not use proper SPD codes.
- Marine Corps Order (MCO) 1900.16, "Separation and Retirement Manual," November 26, 2013, Appendix B, enclosure 1, guides the administrative separation of Marines and instructs the use of the Marine Corps Total Force System (MCTFS) to complete DD Forms 214 for separating Marines. The Marine Corps administrator stated that using the Personality Disorder SPD code (FX) could stigmatize service members and hamper a member's employment opportunities subsequent to separation from Service. The Marine Corps modified MCTFS to accept only the Condition, Not a Disability SPD code (FV), thus preventing personnel technicians using the MCTFS from entering the correct code.

A total of 345 of 355 (97 percent) NDMC separation records included a justification for separation such as a NDMC diagnosis in a letter from the commander to the service member. Such information enables the personnel technicians to enter the correct SPD code. In accordance with DoDI 1336.01, the correct justification for separation should be used to determine the “narrative reason for separation” and the SPD code on the DD Forms 214.

We found 254 of 345 (74 percent) NDMC separation records in which the recommended reason for separation in the separation package did not match the narrative reason for separation and the SPD code on the DD Forms 214. For example, the Services used the Condition, Not a Disability SPD code (FV) rather than the Personality Disorder SPD code (FX) or Adjustment Disorder SPD code (FY). This practice violates DoDI 1336.01, which requires the Services to present each service member with an “accurate and complete” DD Form 214. See Table 14.

Table 14. Separation Packets and DD Forms 214 with SPD Codes

Service	Evaluated	Matched	Did Not Match	Not Indicated	Compliance (percent)
Army	166	22	139	5	13
Navy	86	16	69	1	19
Air Force	42	41	1	0	98
Marine Corps	61	12	45	4	20
Totals	355	91	254	10	26

Conclusion

DoDI 1336.01 states SPD codes are intended for DoD internal use in collecting data to analyze and report trends related to the separations of service members. Further, only the separated service member is “entitled access to his or her SPD code,” and SPD codes are not intended to “stigmatize an individual in any manner.” Interviews of senior military personnel administrators from the Army and Marine Corps disclosed a desire to rescind the requirement to post the SPD code on the DD Forms 214 in an effort to eliminate perceived stigmatization of service members diagnosed with NDMC.

DoD and Service policies require the issuance of accurate and complete DD Forms 214 to separating service members. The Air Force complied with DoD and Air Force policies when assigning SPD codes on DD Forms 214 for separated service members. The Army, Navy, and Marine Corps improperly used Condition, Not a Disability SPD code (FV) on separated service members’

DD Forms 214 in place of Personality Disorder SPD code (FX) or Adjustment Disorder SPD code (FY) to avoid stigmatizing service members with an SPD code which reflected a mental health condition. The Navy could not provide a reason for its noncompliance with DoD and Navy policy in the use of the SPD codes.

Recommendations, Management Comments, and Our Response

Recommendation B

- 1. We recommend that the Under Secretary of Defense for Personnel and Readiness evaluate the necessity of including Separation Program Designator codes on service members' DD Forms 214, "Certificate of Release or Discharge from Active Duty," and revise DoD Instruction 1336.01, "Certificate of Release or Discharge from Active Duty," if warranted.**
- 2. We recommend that the Secretaries of the Military Departments and the Commandant of the Marine Corps ensure the Services comply with DoD Instruction 1336.01, "Certificate of Release or Discharge from Active Duty," by providing accurate and complete DD Forms 214, "Certificate of Release or Discharge from Active Duty," to service members separating for all Non-Disability Mental Conditions.**

Recommendation B.1.

Under Secretary of Defense for Personnel and Readiness

The Principal Deputy Assistant Secretary of Defense for Manpower and Reserve Affairs, performing the Duties of the Principal Deputy Under Secretary of Defense for Personnel and Readiness concurred with our recommendations (A.1. and B.1.). She believes the recommended actions will assist in addressing underlying separation issues currently being reviewed by the Military Service Member Separation Standardization Working Group (MSMSSWG) established on July 20, 2015 in response to the National Defense Authorization Act for FY 2015. She advised that the Assistant Secretary of Defense for Manpower and Reserve Affairs, via the MSMSSWG, will address our concerns. The working group has been directed to make recommendations that bring standardization across the Military Services, including the Reserve Components, which uniformly track service member separations for non-disability mental conditions. The MSMSSWG was stood up in August 2015, and is expected to report out in 2017.

Our Response

The management comments from the Principal Deputy Assistant Secretary of Defense for Manpower and Reserve Affairs are responsive to our recommendations and no further comments are required. The DoD OIG will periodically track the MSMSSWG's progress in relation to our recommendations as part of our follow-up process.

Recommendation B.2.

Secretary of the Air Force

The Secretary of the Air Force Principal Deputy Assistant Secretary for Manpower and Reserve Affairs (SAF/MR) concurred with our findings and recommendations. SAF/MR also provided comments that were administrative in nature which we considered but did not result in changes to our report.

Our Response

Given the satisfactory findings related to Air Force's DD Form 214 processing, we found SAF/MR's management comments to be responsive. No further comments are required.

Management Comments Required

The Secretaries of the Army and Navy and the Commandant of the Marine Corp, did not provide comments on a draft of this report. We request that the Secretaries of the Army and Navy and the Commandant of the Marine Corps provide comments on the final report.

Appendix A

Scope and Methodology

We conducted the evaluation in accordance with the “Quality Standards for Inspection and Evaluation” published by the Council of the Inspectors General on Integrity and Efficiency in January 2012. Those standards require that we plan and perform the evaluation to obtain sufficient, competent, and relevant evidence to provide a reasonable basis for our findings, conclusions, and recommendations based evaluation objectives. We believe the evidence obtained meets these standards and provides a reasonable basis for our findings, conclusions, and recommendations based on our evaluation.

The scope of work included all service members who made unrestricted sexual assault reports or reported sexual assault allegations to the Military Criminal Investigative Organizations (MCIOs) for investigations between January 1, 2009 and members separated for NDMCs to determine whether the separations complied with DoDI 1332.14 and other applicable policies.

From data collected from the MCIOs, we identified those service members who made unrestricted reports of sexual assault (offenses defined in Article 120 and Article 125, Uniform Code of Military Justice) during the period and obtained personally identifiable information (PII) of each service member alleging sexual assault. We submitted the PII of identified service members alleging sexual assault to the DMDC, Enterprise Data Operations Division, Data Delivery and Decision Support Branch personnel, who validated the data from the MCIOs by providing current Service information, deployment information, separation information, demographic data, and other data points.

Additionally, we obtained current and prior versions of DoDI 1332.14 and all other applicable DoD regulations, directives, and policies to include Service subordinate guiding policies governing administrative separations in effect during the period. In addition, we analyzed policy guidance to identify the provisions and steps necessary to properly and legally separate service members from Service for NDMC, including Personality Disorder and Adjustment Disorder. We interviewed military personnel officials from the Services to understand the Services’ administrative separation processes for the six NDMCs.

We developed separation packet evaluation protocols in a relational database for each Service. We based the protocols on DoD and Service separation policies and procedures applicable by date of each separation.

From the DMDC service member separation data, we identified which service members the Services separated for the six specific SPD codes for NDMC. The SPD codes include Personality Disorder (FX), Adjustment Disorder (FY), Condition, Not a Disability (FV), Disruptive Behavior Disorder (FD), Impulse Control Disorder (FZ), and mental disorder (FE).

We submitted requests to the Services' records repositories for pertinent Service and separation records for the service members identified by DMDC as having separated during the project's scope and under the pertinent SPD codes.

Prior Coverage

The GAO has issued three reports discussing topics related to service member separations for NDMC in the last 8 years. Unrestricted GAO reports can be accessed at <http://www.gao.gov>.

GAO

GAO Report No. GAO-15-266, "DEFENSE HEALTH CARE - Better Tracking and Oversight Needed of Service Member Separations for Non-Disability Mental Conditions," February 2015

GAO Report No. GAO-10-103T, "Testimony Before the Committee on Veterans' Affairs, House of Representatives - DEFENSE HEALTH CARE - Status of Efforts to Address Lack of Compliance with Personality Disorder Separation Requirements Statement of Debra A. Draper Director, Health Care," September 15, 2010

GAO Report No. GAO-09-31, "DEFENSE HEALTH CARE - Additional Efforts Needed to Ensure Compliance with Personality Disorder Separation Requirements," October 2008

Appendix B

DoD Separation Requirements for NDMC

The Services base their separation requirements on DoDI 1332.14. Underlined and bolded text indicates the requirement in the August 2008 version of the instruction that applies to a Personality Disorder diagnosis only and the text in the subsequent versions of the instruction that expands the requirement to apply to all NDMC. See Table 15.

Table 15. DoD NDMC Separation Requirements, August 2008 to January 2014

DoD Requirements as of August 28, 2008	DoD Requirements as of September 30, 2011	DoD Requirements as of January 27, 2014
Service member must be notified in writing of the basis of the proposed separation.	No change	No change
Service member must be formally counseled concerning deficiencies and afforded an opportunity to overcome those deficiencies.	No change	No change
Evidence must demonstrate that the service member is unable to function effectively because of a <u>Personality Disorder</u> .	No change	Requirement expanded to include <u>other non-disability mental conditions</u> .
Service member must receive a <u>Personality Disorder diagnosis</u> by a psychiatrist or PhD-level psychologist who determines that the Personality Disorder interferes with the service member's ability to function in the military.	No change	Requirement expanded to include <u>other non-disability mental conditions</u> , and diagnosis may be made by an authorized mental health provider who determines that the disorder interferes with the service member's ability to function in the military. ²
Service member must be counseled in writing that the <u>diagnosis of a Personality Disorder</u> does not qualify as a disability.	No change	Requirement expanded to include <u>other non-disability mental conditions</u> .
Additional Requirements That Apply to Enlisted Service Members Who Have Served Or Are Currently Serving in IDP Areas ¹		
<u>A Personality Disorder diagnosis</u> must be corroborated by a peer- or higher-level mental health professional.	Requirement expanded to include <u>other non-disability mental conditions</u> .	No change
<u>A Personality Disorder diagnosis</u> must be endorsed by the surgeon general of the Military Service concerned.	Requirement expanded to include <u>other non-disability mental conditions</u> .	No change

Table 15. DoD NDMC Separation Requirements, August 2008 to January 2014 (cont'd)

DoD Requirements as of August 28, 2008	DoD Requirements as of September 30, 2011	DoD Requirements as of January 27, 2014
<u>A Personality Disorder diagnosis</u> must address post-traumatic stress disorder or other mental illness co-morbidity.	Requirement expanded to include <u>other non-disability mental conditions</u> .	No change

¹ Service members receive IDP when they are on duty outside of the United States and are subject to the threat of physical harm or imminent danger due to wartime conditions, terrorism, civil insurrection, or civil war. In some locations, IDP applies only for duty on the ground; and in other locations, ground, airspace, or duty aboard ship and at sea qualify.

² DoDI 6490.04 identifies an authorized mental health provider is a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work, or a psychiatric nurse practitioner. In cases of outpatient mental health evaluations only, DoD considers licensed clinical social workers who possess a master's degree in clinical social work as authorized mental health providers.

Appendix C

Demographic and Other Data

We extracted information from our separation record review protocol to provide a visual representation of the results of the review related to various demographics including the scope of this evaluation, SPD code trend use, characterization of discharge, and others.

Table 16 provides a visual synopsis of the scope of this evaluation.

Table 16. Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault Between January 1, 2009, and June 30, 2015

	Army	Navy	Air Force	Marine Corps	Total
Total Service Members Alleging Sexual Assault	7,331	3,395	2,960	1,775	15,461
Total Continued Service	4,478	2,348	2,203	1,131	10,160
Total Separations	2,853	1,047	757	644	5,301
Separations with NDMC	224	150	44	80	498
Records Requested	224	150	44	80	498
Total Missing	2	39	1	1	43
Records Provided	222	111	43	79	455
Total Incomplete	46	18	1	-	65
Condition, Not a Disability SPD Code FV (Physical)	10	6	-	18	34
NDMC Separations Evaluated	166	86	42	61	355
Total Compliant Separation Records	26	38	30	22	116
Total Non-compliant Separation Records	140	48	12	39	239
Mental Disorder (FE)	0	0	3	0	3
Condition, Not a Disability SPD Code (Mental Health) (FV)	149	72	1	50	272
Personality Disorder (FX)	17	14	20	11	62
Adjustment Disorder (FY)	0	0	18	0	18

Figure 3 depicts the trend use of the SPD code, Condition, Not a Disability, used for those service members who reported a sexual assault between January 1, 2009, and June 30, 2015. This chart provides a timeline for the separations in Figure 1. Of note, the use of the FV code has increased as use of the FX code decreased. There is an anecdotal correlation between the increase in the use of the FV code and the Army instituting the 24 month delimiter for separations with a diagnosis that would normally result in the use of the FX code. SPD code FE was used only three times starting in 2014.

Figure 3. NDMC SPD Codes Trend

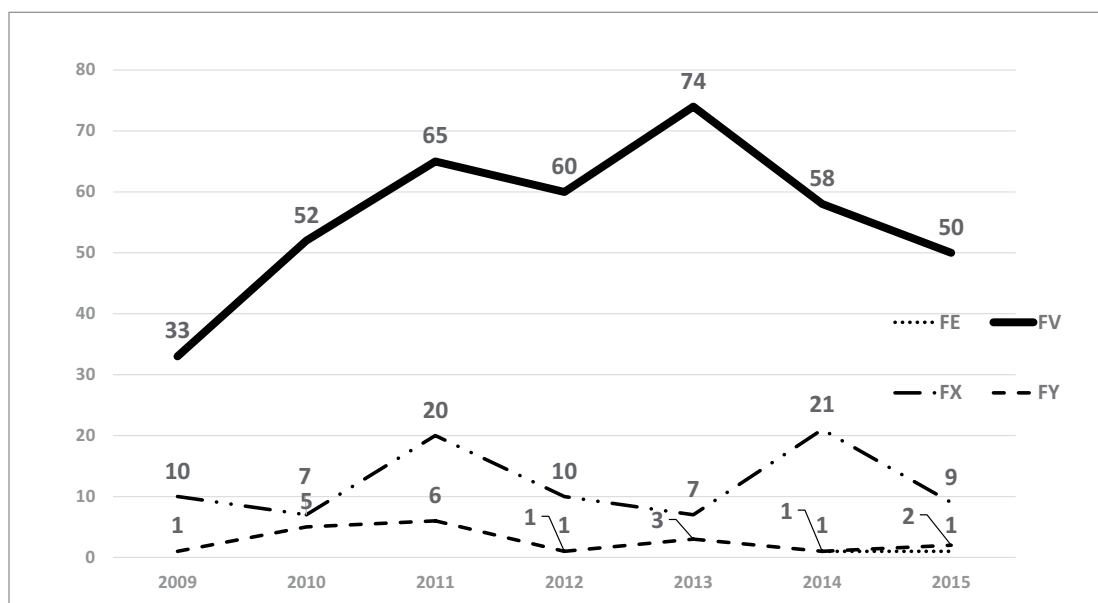


Figure 4 is a continuation of Figure 1 in the background section of the report and shows SPD codes used 10 or more times, but less than 75 times.

Figure 4. SPD Codes Used 10 or More Times But Fewer Than 75 Times

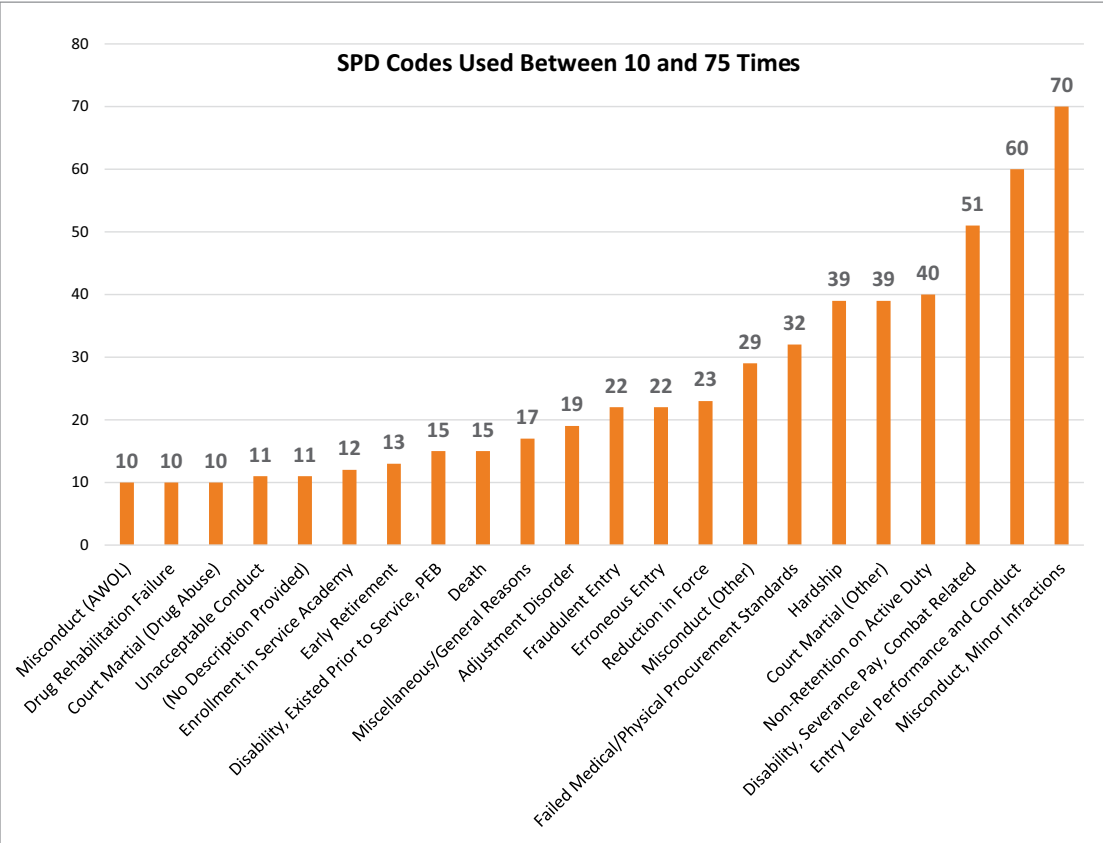
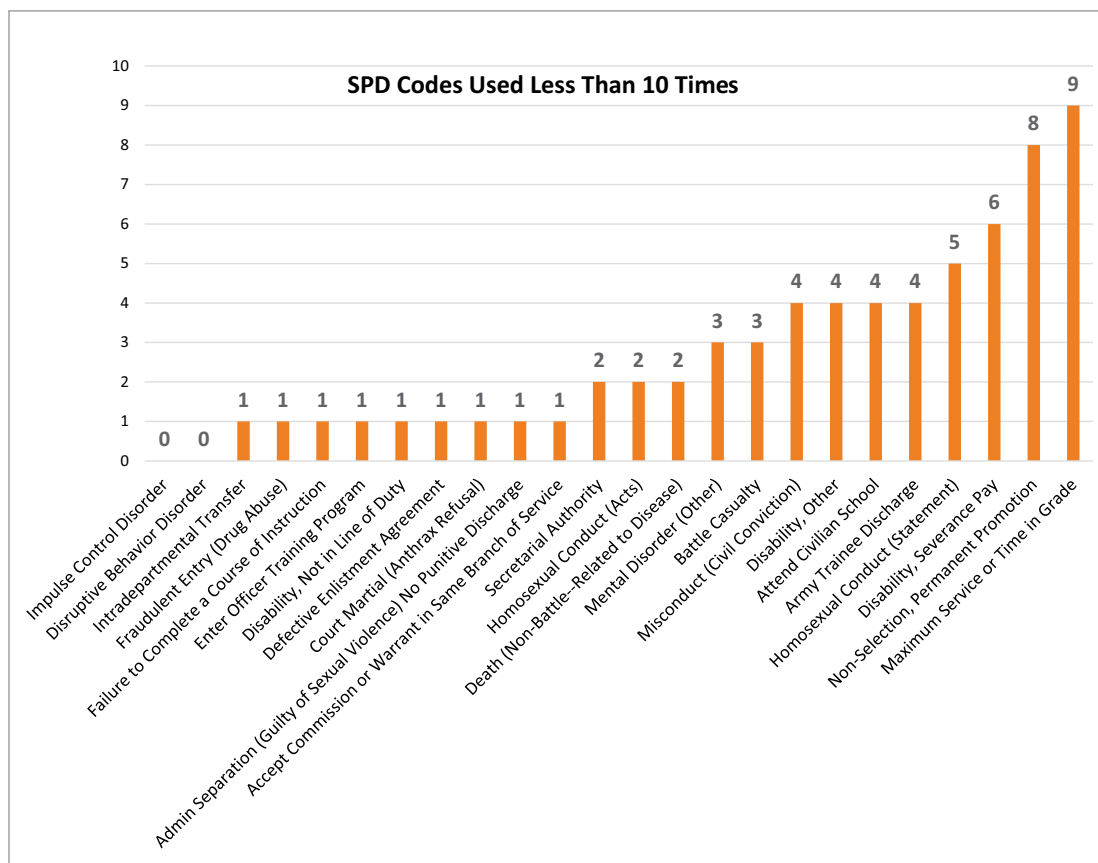


Figure 5 is a continuation of Figure 1 in the Background and shows SPD codes used fewer than 10 times.

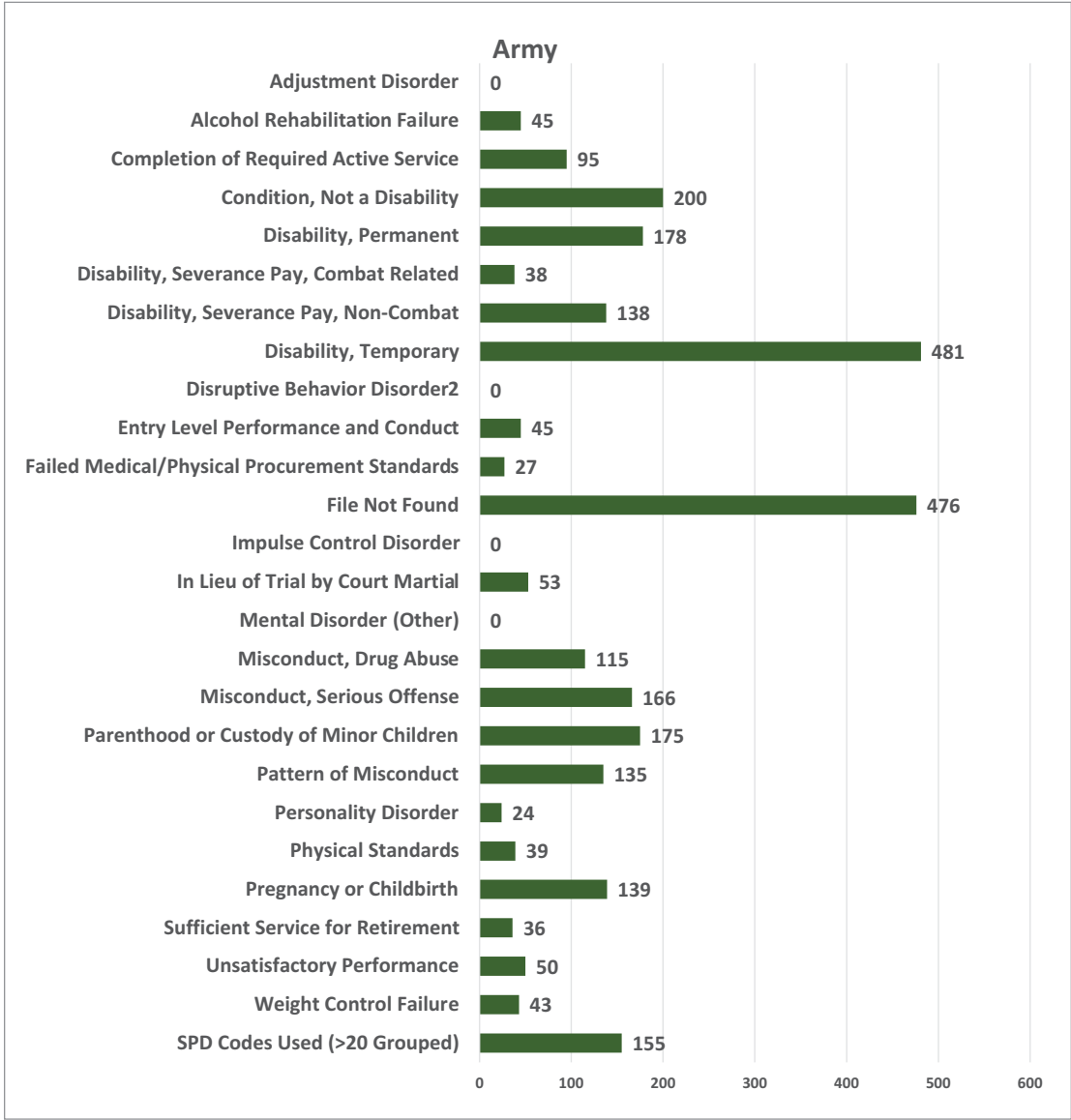
Figure 5. SPD Codes Used Fewer Than 10 Times



Army

Figure 6 depicts a Service-specific breakdown of Figure 2.

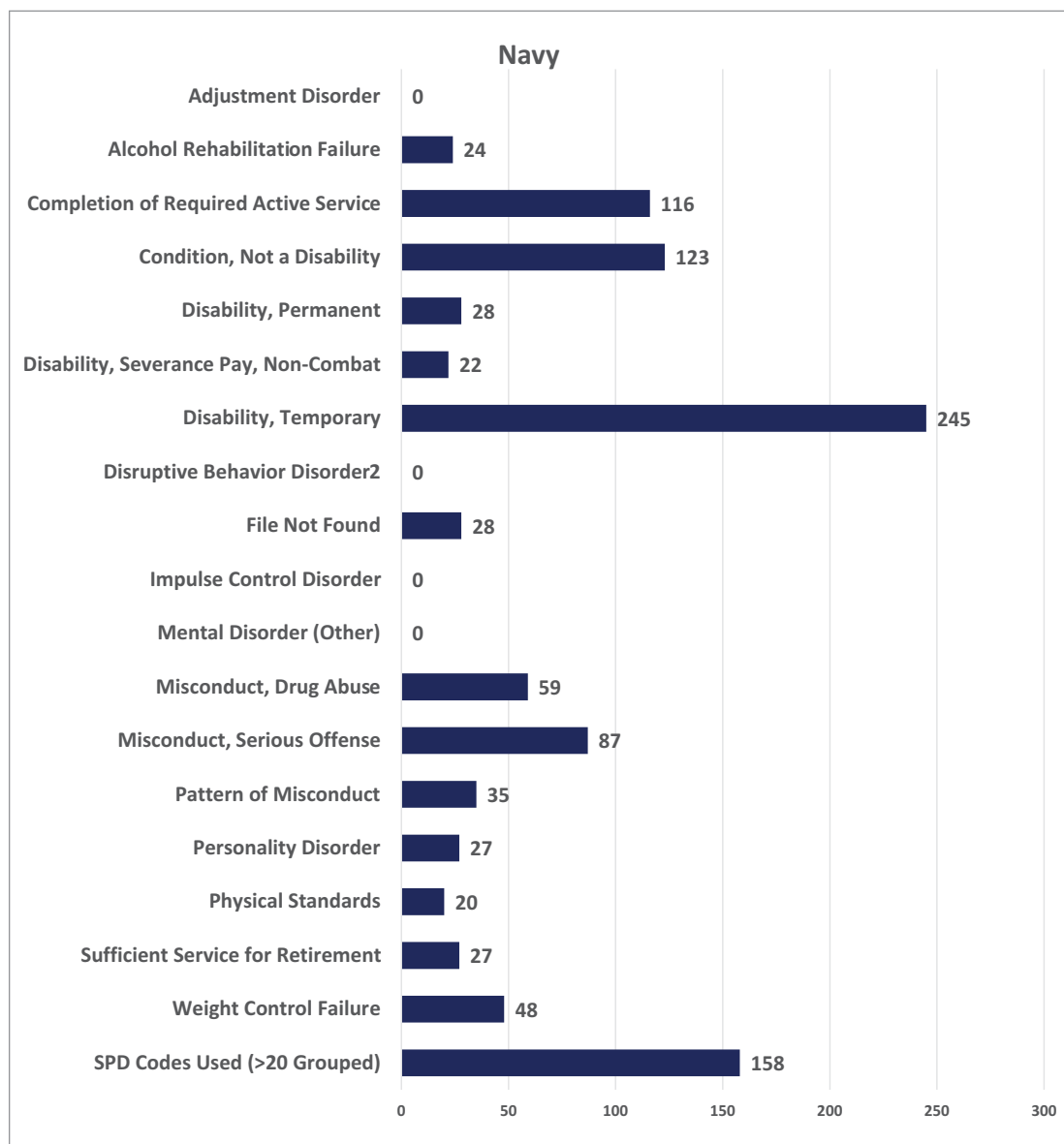
Figure 6. Separations of Army Service Members Who Reported a Sexual Assault



Navy

Figure 7 depicts a Service-specific breakdown of Figure 2.

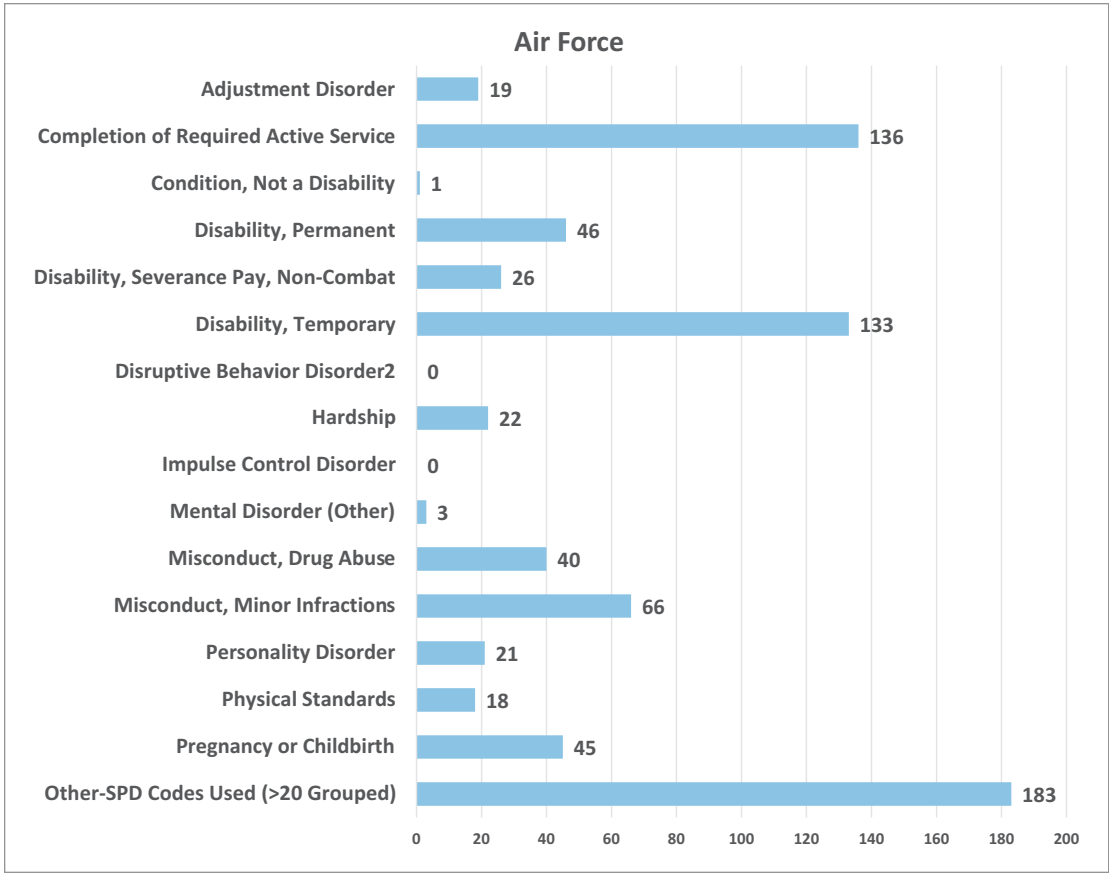
Figure 7. Separations of Navy Service Members Who Reported a Sexual Assault



Air Force

Figure 8 depicts a Service-specific breakdown of Figure 2.

Figure 8. Separations of Air Force Service Members Who Reported a Sexual Assault



Marine Corps

Figure 9 depicts a Service-specific breakdown of Figure 2.

Figure 9. Separations of Marine Corps Service Members Who Reported a Sexual Assault

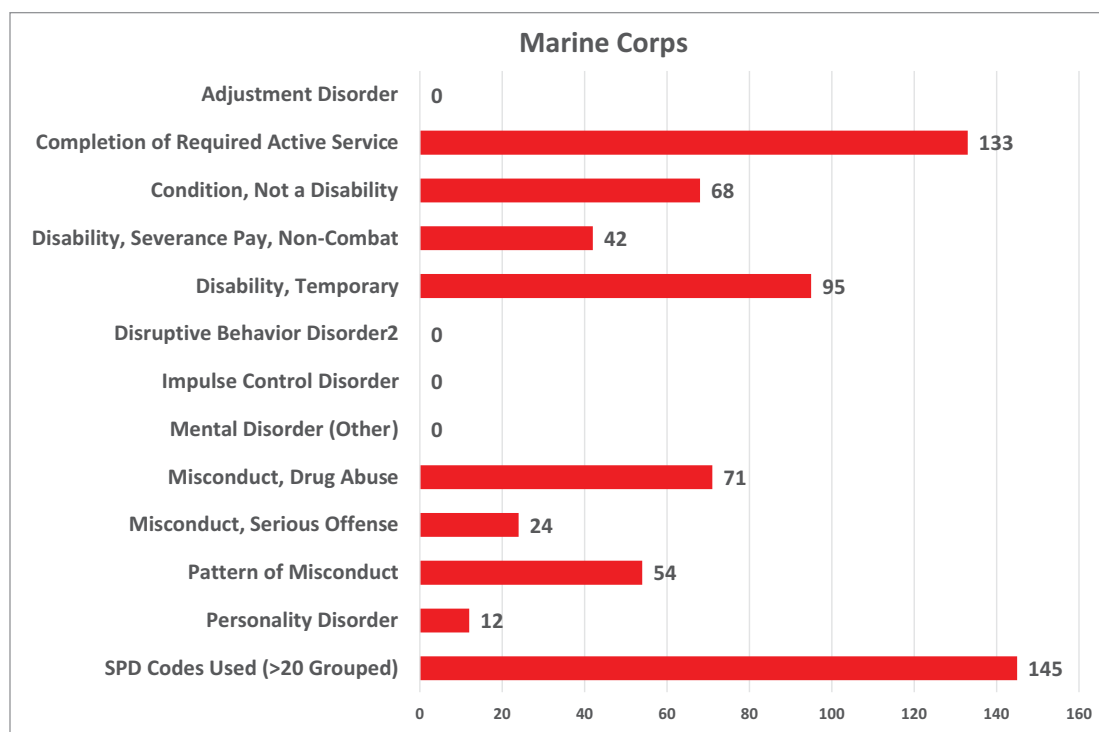


Table 17 depicts the breakdown of the number of sexual assaults reported between January 1, 2009, and June 30, 2015, to MCIOs and service members who separated after they reported a sexual assault.

Table 17. Sexual Assaults Reported and Separated Service Members

Service	Sexual Assault Allegations	Service Members (SM) Separated	SM Separated (percent)	SM Separated-Given NDMC
Army	7,331	2,853	39	224
Navy	3,395	1,047	31	150
Air Force	2,960	757	26	44
Marine Corps	1,775	644	36	80
Totals	15,461	5,301	34	498

Table 18 depicts the characterization of discharge assigned to service members who reported a sexual assault. Service members may have reported multiple sexual assault allegations.

Table 18. Characterization of Discharge

Service	Honorable	General (under Honorable Conditions)	Other Than Honorable	Bad Conduct	Dishonorable	Uncharacterized	Unknown/ N/A	Totals
Army	2,031	486	63	6	7	182	78	2,853
Navy	664	157	60	14	0	25	127	1,047
Air Force	571	145	13	5	1	16	6	757
Marine Corps	396	98	109	7	6	16	12	644
Totals	3,662	886	245	32	14	239	223	5,301

Table 19 depicts characterization of discharge assigned to service members who reported a sexual assault and received a Condition, Not a Disability separation. Service members with less than 180 days of service may be given an uncharacterized separation.

Table 19. Characterization of Discharge Assigned to Service Members who Reported a Sexual Assault and Received a Condition, Not a Disability Separation

Service	Honorable	General (under Honorable Conditions)	Other Than Honorable	Bad Conduct	Dishonorable	Uncharacterized	Unknown/ N/A	Totals
Army	196	12	0	0	0	16	0	224
Navy	107	25	0	0	0	5	13	150
Air Force	42	0	0	0	0	2	0	44
Marine Corps	44	31	0	0	0	5	0	80
Totals	398	68	0	0	0	28	13	498

Figure 10 depicts the number of days between the date of a service member's assault (regardless of when reported) and the date that service member separated. Each dot on the chart depicts one incident of sexual assault (before reporting to law enforcement) and a corresponding separation. The mean (average) number of

days between the offense and separation is 372 days. The median¹⁰ number of days between offense and separation is 278 days. Adjusting 10 percent for outliers, the mean is 346 days.

Figure 10. Numbers of Days between the Date of Offense and the Date of Separation

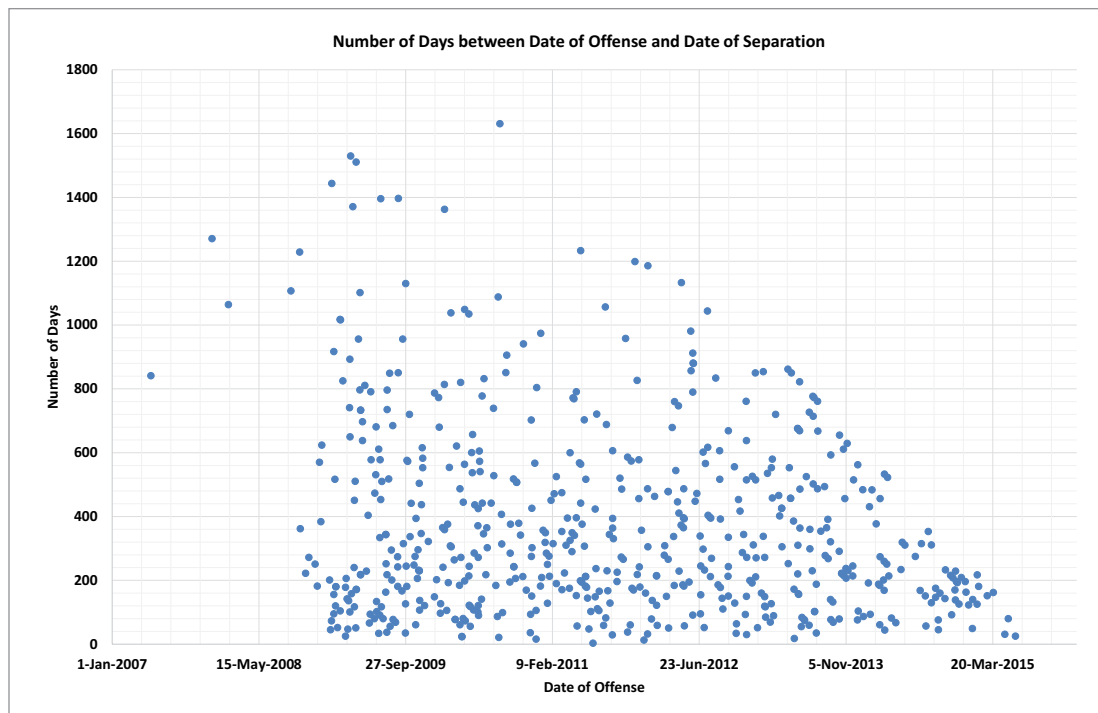
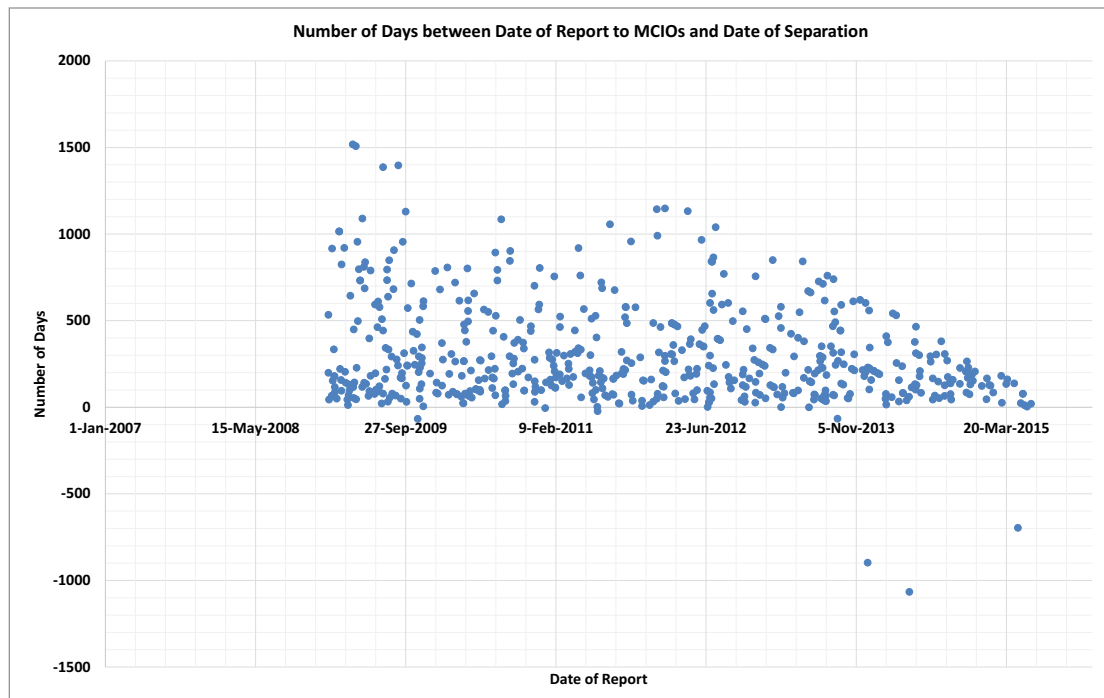


Figure 11 depicts the number of days between the date the service member reported a sexual assault (regardless of the date of the assault) and the date that service member separated. Each dot on the chart depicts one report of sexual assault to law enforcement and a corresponding separation. The mean (average) number of days between the report and separation is 275 days. The median number of days between report and separation is 207 days. Adjusting 10 percent for outliers, the mean is 271 days.

¹⁰ Median is the value below which half of the observed values in a distribution lie.

Figure 11. Number of Days between the Date of Report and the Date of Separation



Note: One sexual assault allegation was not included in the chart because the allegation was made 9,855 days (27 years) after the date of offense.

Table 20 depicts demographic data for 5,301 separations by sex and Service.

Table 20. Sex of Separated Service Members by Service for all SPD Codes Used

Service	Male	Female	Total
Army	541	2,312	2,853
Navy	180	867	1,047
Air Force	104	653	757
Marine Corps	144	500	644
Total	969	4,332	5,301

Table 21 depicts demographic data for 5,301 separations by age and Service.

Table 21. Age Group of Separated Service Members by Service for all SPD Codes Used

Service	<20	21-30	31-40	41-50	>51
Army	371	2,010	365	104	3
Navy	148	785	83	30	1
Air Force	63	582	93	18	1
Marine Corps	87	516	36	5	0
Total	669	3,893	577	157	5

Table 22 depicts demographic data for 5,301 separations by grade and Service.

Table 22. Grades of Separated Service Members by Service for all SPD Codes Used

Service	Officer	Warrant Officer	Senior Non Commissioned (E7-E9)	NCO (E5-E6)	Junior Enlisted (E1-E4)
Army	64	6	29	353	2,401
Navy	29	0	13	231	774
Air Force	30	N/A	15	136	576
Marine Corps	8	1	6	109	520
Total	131	7	63	829	4,271

Table 23 depicts demographic data for 5,301 separations by component and Service.

Table 23. Type of Component of Separated Service Members by Service Component for all SPD Codes Used

Service	Active	Reserve	Guard	Total
Army	2,391	251	211	2,853
Navy	945	102	0	1,047
Air Force	683	63	11	757
Marine Corps	522	122	0	644
Total	4,541	538	222	5,301

Table 24 depicts demographic data for 463 responsive separations by sex and Service (34 NDPC and 1 mis-assigned were excluded from the 498 original records).

Table 24. Sex of Separated Service Members by Service for the Responsive Records

Service	Male	Female	Total
Army	39	175	214
Navy	19	124	143
Air Force	2	42	44
Marine Corps	14	48	62
Total	74	389	463

Table 25 depicts demographic data for 463 responsive separations by age and Service (34 NDPC and 1 mis-assigned were excluded from the 498 original records).

Table 25. Age Group of Separated Service Members by Service for the Responsive Records

Service	<20	21-30	31-40	41-50	>51
Army	65	139	8	2	0
Navy	39	100	4	0	0
Air Force	9	33	2	0	0
Marine Corps	23	39	0	0	0
Total	137	312	14	2	0

Table 26 depicts demographic data for 463 responsive separations by grade and Service (34 NDPC and 1 mis-assigned were excluded from the 498 original records).

Table 26. Grades of Separated Service Members by Service for the Responsive Records

Service	Officer	Warrant Officer	Senior Non Commissioned (E7-E9)	NCO (E5-E6)	Junior Enlisted (E1-E4)
Army	0	0	0	2	212
Navy	0	0	0	6	137
Air Force	0	N/A	0	2	42
Marine Corps	0	0	0	0	62
Total	0	0	0	10	453

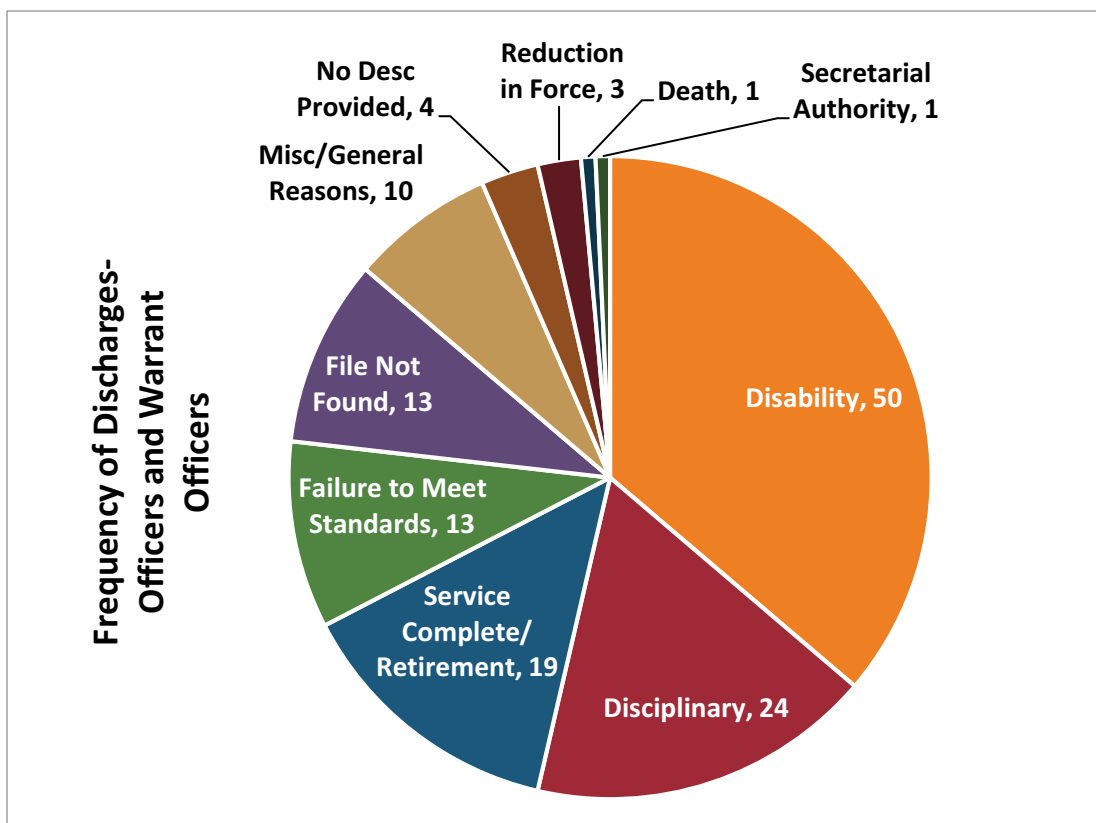
Table 27 depicts demographic data for 463 responsive separations by component and Service (34 NDPC and 1 mis-assigned were excluded from the 498 original records).

Table 27. Type of Service of Separated Service Members by Component for the Responsive Records

Service	Active	Reserve	Guard	Total
Army	211	3	0	214
Navy	143	0	0	143
Air Force	44	0	0	44
Marine Corps	62	0	0	62
Total	460	3	0	463

Figure 12 depicts 138 officer and warrant officer separations by SPD code. These categories present similar SPD codes grouped for better readability.

Figure 12. Commissioned Officer and Warrant Officer Separations by SPD code



Appendix D

DoD and Service Policy Protocol Data Points

Table 28. DoD and Service Policy Protocol Data Points

Protocol Reference	Cited Reference	Policy
3.8/3.9	3.8 Did the service member receive formal counseling? 3.9 Was service member afforded adequate opportunity to improve his/her behavior prior to being separated on the basis of the non-disability mental condition diagnosis?	
DoD	DoDI 1332.14, "Enlisted Administrative Separations," January 27, 2014, with change 1 December 4, 2014, Encl 3, para 3a(8)(a)1	Separation processing will not be initiated until the enlisted service member has been formally counseled on his or her deficiencies and has been given an opportunity to correct those deficiencies.
Army	AR 635-200, "Active Duty Enlisted Administrative Separations," June 6, 2005, with rapid action revision September 6, 2011, para 5-13e	Separation processing may not be initiated under this paragraph until the Soldier has been counseled formally concerning deficiencies and has been afforded ample opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records (see para 1–16).
Navy	Navy MILPERSMAN 1910-122, "Separation by Reason of Convenience of the Government – Personality Disorder(s)," August 21, 2009, para 2c	Separation processing may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. For Personality Disorders, the member will also be counseled that the diagnosis of a Personality Disorder does not qualify as a disability.
Air Force	AFI 36-3208, "Administrative Separation of Airmen," July 9, 2004, with change 7 July 2, 2013, para 5.11	Additionally, there must be documentation pre-dating the initiation of discharge showing that the airman has been formally counseled concerning deficiencies and afforded an opportunity to overcome them.
Marine Corps	Marine Corps Order (MCO) 1900.16, "Separation and Retirement Manual," Administrative Change, March 30, 2015, para 6203, 3b	Before initiating separation, the command must have counseled the Marine IAW paragraph 6105; given the Marine a reasonable opportunity to correct deficiencies; and have documentation of failure to correct those deficiencies. The opportunity to correct deficiencies need not extend for a protracted observation period. At any time after formal counseling, Marines repeating or continuing behaviors that interfere with the performance of their duties or disrupt the good order and discipline of their unit may be processed for administrative separation.

Table 28. DoD and Service Policy Protocol Data Points (cont'd)

Protocol Reference	Cited Reference	Policy
3.11	Was the service member's nondisability mental condition diagnosis made by a psychiatrist or PhD-level psychologist?	
DoD	DoDI 1332.14, Encl 3, para 3a(8)(c)1 (mental health provider is defined in the glossary of DoDD 6490.04, "Mental Health Evaluations of Members of the Military Services," March 4, 2013)	(c) Separation on the basis of Personality Disorder, or other mental disorder not constituting a physical disability, is only authorized only if: 1. A diagnosis by an authorized mental health provider as defined in DoDI 6490.04 (Reference (ki)) utilizing the Diagnostic and Statistical Manual of Mental Disorders (Reference (lj)) and, IAW procedures established by the Military Department concerned, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.
Army	AR 635-200, para 5-13a	Under the guidance in chapter 1, section II, a Soldier with less than 24 months of active duty Service, as of the date separation proceedings are initiated, may be separated for Personality Disorder (not amounting to disability (see AR635-40)) that interferes with assignment or with performance of duty, when so disposed as indicated in a, below. a. The diagnosis of Personality Disorder must have been established by a psychiatrist or doctoral-level clinical psychologist with necessary and appropriate professional credentials who is privileged to conduct mental health evaluations for the DOD components...
Navy	Navy MILPERSMAN 1910-122, para 2d	Separation on the basis of Personality Disorder is authorized only if a diagnosis by a psychiatrist or PhD-level psychologist utilizing reference (a), and per procedures established by the Navy, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.
Air Force	AFI 36-3208, para 5.11.9	A recommendation for discharge under these provisions must be supported by a report of evaluation by a psychiatrist or PhD-level clinical psychologist who confirms the diagnosis of a disorder listed below, as contained in the current edition of the Diagnostic and Statistical Manual of Mental Disorders.
Marine Corps	MCO 1900.16, para 6203, 3c(1)	Commanders must comply with reference (bb) SECNAVINST 6320.24A and reference (bd) DoDI 6490.04 when referring a Marine to a mental health evaluation. Diagnosis must be made by a psychiatrist or Ph.D.-level psychologist.

Table 28. DoD and Service Policy Protocol Data Points (cont'd)

Protocol Reference	Cited Reference	Policy
3.13	Did the diagnosis include a statement or judgment from the psychiatrist or PhD-level psychologist that the service member's disorder was so severe that the service member's ability to function effectively in the military environment was significantly impaired?	
DoD	DoDI 1332.14, Encl 3, para 3a(8)(c)1	(c) Separation on the basis of Personality Disorder, or other mental disorder not constituting a physical disability, is only authorized only if: 1. A diagnosis by an authorized mental health provider as defined in DoDI 6490.04 (Reference (i)) utilizing the Diagnostic and Statistical Manual of Mental Disorders (Reference (j)) and, IAW procedures established by the Military Department concerned, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.
Army	AR 635-200, para 5-13c	Separation because of Personality Disorder is authorized only if the diagnosis concludes that the disorder is so severe that the Soldier's ability to function effectively in the military environment is significantly impaired.
Navy	Navy MILPERSMAN 1910-122, para 2d	Separation on the basis of Personality Disorder is authorized only if a diagnosis by a psychiatrist or PhD-level psychologist utilizing reference (a), and per procedures established by the Navy, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.
Air Force	AFI 36-3208, para 5.11.9	A recommendation for discharge under these provisions must be supported by a report of evaluation by a psychiatrist or PhD-level clinical psychologist who confirms the diagnosis of a disorder listed below, as contained in the current edition of the Diagnostic and Statistical Manual of Mental Disorders. This report must state the disorder is so severe the member's ability to function effectively in the military environment is significantly impaired.
Marine Corps	MCO 1900.16, para 6203, 3c(2)	Per reference (p), Article 15-23 of the MANMED, the diagnosis must include a statement from the psychiatrist or Ph.D.-level psychologist that the Marine's disorder is so severe that the Marine's ability to function effectively in the military environment is significantly impaired. Written nonmedical evidence must be submitted to show specific examples of how the Marine is unable to function in the Marine Corps.

Table 28. DoD and Service Policy Protocol Data Points (cont'd)

Protocol Reference	Cited Reference	Policy
3.15	Did the service member receive written notification of his or her impending separation based on diagnosis?	
DoD	DoDI 1332.14, Encl 3, para 3.a(8)(f) and Encl 5, para 2a	Encl 3, para 3.a(8)(f) Prior to involuntary separation under this provision, the notification procedure in section 2 of Enclosure 5 will be used. Documentation must include evidence that the service member is unable to function effectively because of a Personality Disorder, or other mental disorder not constituting a physical disability. Encl 5, para 2a. Notice. If the notification procedure is initiated under Enclosure 3, the respondent will be notified in writing of: (1) The basis of the proposed separation, including the circumstances upon which the action is based and a reference to the applicable provisions of the Military Department's implementing regulation.
Army	AR 635-200, para 5-13f and para 2-2	15-13f When it has been determined that separation under this paragraph is appropriate, the unit commander will take the actions specified in the notification procedure (see chap 2, sec 1) 2-2 When the reason for separation requires the notification procedure, the commander will notify the Soldier in writing that his/her separation has been recommended per this regulation.
Navy	Navy MILPERSMAN 1910-122, para 2g and 6a and MILPERSMAN 1910-402, para 1	2g. Prior to involuntary separation under this provision, the notification procedure in paragraph 6 shall be used. Documentation must include evidence that the service member is unable to function effectively because of a Personality Disorder. 6a. The Notification Procedure (MILPERSMAN 1910-402) will be used. 1. The processing command will retain a signed copy pending receipt of member's response. When member responds, command will maintain original for administrative separation (ADSEP) package. Member will be given a completed, signed copy.
Air Force	AFI 36-3208, paras 6.8 and 6.8.1	6.8. Use and Purpose. To find when a recommendation for discharge will be processed by notification, see paragraph 6.2. Under this procedure, the member has the right to: 6.8.1. Receive written notice of the reasons, including the circumstances upon which the action is based, for discharge and the least favorable type of separation authorized.
Marine Corps	MCO 1900.16, para 6203, 3c(3)	Separation under this basis requires written notification per paragraph 6303 or 6304, as appropriate, and that the Marine's condition does not qualify as a naval Service disability.

Table 28. DoD and Service Policy Protocol Data Points (cont'd)

Protocol Reference	Cited Reference	Policy
3.17	Was the service member counseled in writing that the condition does not qualify as a disability?	
DoD	DoDI 1332.14, Encl 3, para 3.a(8)(a)2	Separation processing will not be initiated until the enlisted service member has been counseled in writing that the condition does not qualify as a disability.
Army	AR 635-200, para 5-13e	Separation processing may not be initiated under this paragraph until the Soldier has been counseled formally concerning deficiencies and has been afforded ample opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records (see para 1–16). The Soldier will also be counseled that the diagnosis of a Personality Disorder does not qualify as a disability.
Navy	Navy MILPERSMAN 1910-122, para 2c	Separation processing may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. For Personality Disorders, the member will also be counseled that the diagnosis of a Personality Disorder does not qualify as a disability.
Air Force	AFI 36-3208, para 5.11	Airman must be counseled that discharge for any condition under this paragraph does not qualify as a disability under AFI 36-3212.
Marine Corps	MCO 1900.16, para 6203, 3c(3)	Separation under this basis requires written notification per paragraph 6303 or 6304, as appropriate, and that the Marine's condition does not qualify as a naval Service disability.
3.19	Was the service member's diagnosis corroborated by a peer psychiatrist or PhD-level psychologist or higher level mental health professional? (Applies only to service members who served in an IDP area)	
DoD	DoDI 1332.14, Encl 3, para 3.a(8)(c)4a	4. For enlisted service members who have served or are currently serving in imminent danger pay areas, a diagnosis of Personality Disorder or other mental disorder not constituting a physical disability will: a. Be corroborated by a peer or higher-level mental health professional. b. Be endorsed by the Surgeon General of the Military Department concerned. c. Address post-traumatic stress disorder (PTSD) and other mental illness co-morbidity. Unless found fit for duty by the disability evaluation system, a separation for Personality Disorder, or other mental disorder not constituting a physical disability, is not authorized if Service-related PTSD is also diagnosed.

Table 28. DoD and Service Policy Protocol Data Points (cont'd)

Protocol Reference	Cited Reference	Policy
Army	AR 635-200, para 5-13a	a. The diagnosis of Personality Disorder must have been established by a psychiatrist or doctoral-level clinical psychologist with necessary and appropriate professional credentials who is privileged to conduct mental health evaluations for the DOD components... In the case of Soldiers who have served or are currently serving in an imminent danger pay area and are within the first 24 months of active duty Service, the diagnosis of Personality Disorder for separation under this paragraph, must be corroborated by the MTF Chief of Behavioral Health (or an equivalent official).
Navy	Navy MILPERSMAN 1910 122, para 2d	Separation on the basis of Personality Disorder is authorized only if a diagnosis by a psychiatrist or PhD-level psychologist utilizing reference (a), and per procedures established by the Navy, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.
Air Force	AFI 36-3208, para 5.11.10.1.4.	The evaluating psychiatrist or PhD-level clinical psychologist will consult with the Airman's commander to determine if separation under this provision is appropriate. When, in the opinion of the Airman's commander, evaluating psychiatrist or PhD-level clinical psychologist, separation under paragraph 5.11.9.1 (Personality Disorder) is appropriate, the local Military Treatment Facility (MTF) will forward the diagnosis with supporting documentation through appropriate channels for corroboration by a peer or higher-level mental health professional and endorsement from the Air Force Surgeon General.
Marine Corps	MCO 1900.16, para 6203, 3c(4)	Diagnosis must be corroborated by a peer psychiatrist or Ph.D.-level psychologist or higher level mental health professional.
3.21	Did service member's diagnosis address PTSD or other mental illness co-morbidity? (Applies only to service members who served in an IDP area)	
DoD	DoDI 1332.14, Encl 3, para 3.a(8)(c)4c	4. For enlisted service members who have served or are currently serving in imminent danger pay areas, a diagnosis of Personality Disorder or other mental disorder not constituting a physical disability will: a. Be corroborated by a peer or higher-level mental health professional. b. Be endorsed by the Surgeon General of the Military Department concerned. c. Address post-traumatic stress disorder (PTSD) and other mental illness co-morbidity. Unless found fit for duty by the disability evaluation system, a separation for Personality Disorder, or other mental disorder not constituting a physical disability, is not authorized if Service-related PTSD is also diagnosed.

Table 28. DoD and Service Policy Protocol Data Points (cont'd)

Protocol Reference	Cited Reference	Policy
Army	AR 635-200, para 5-13a	Medical review of the Personality Disorder diagnosis will consider whether PTSD, traumatic brain injury (TBI), and/or other comorbid mental illness may be significant contributing factors to the diagnosis. A Soldier will not be processed for administrative separation under this paragraph if PTSD, TBI, and/or other comorbid mental illness are significant factors to a diagnosis of Personality Disorder, but will be evaluated under the physical disability system IAW AR 635-40.
Navy	Navy MILPERSMAN 1910-122, para 2d	The diagnosis must address post-traumatic stress disorder (PTSD) or other mental illness co-morbidity. The onset of Personality Disorder is frequently manifested in the early adult years and may reflect an inability to adapt to the military environment as opposed to an inability to perform the requirements of specific jobs or tasks or both. As such, observed behavior of specific deficiencies should be documented in appropriate counseling or personnel records and include history from sources such as supervisors, peers, and others, as necessary to establish that the behavior is persistent, interferes with assignment to or performance of duty, and has continued after the service member was counseled and afforded an opportunity to overcome the deficiencies.
Air Force	AFI 36-3208, para 5.11.10.1.1	The diagnosis of a Personality Disorder must specifically address post-traumatic stress disorder (PTSD) or other mental illness co-morbidity.
Marine Corps	MCO 1900.16, para 6203, 3c(5)	Diagnosis must address PTSD, TBI, or other mental illness comorbidity. Unless found Fit by the disability evaluation system, a separation for Personality Disorder is not authorized if Service-related PTSD is also diagnosed.
3.23	Was the service member's diagnosis endorsed by the Surgeon General of the Military Department concerned prior to discharge? (Applies only to service members who served in an IDP area)	
DoD	DoDI 1332.14, Encl 3, para 3.a(8)(c)4b	4. For enlisted service members who have served or are currently serving in imminent danger pay areas, a diagnosis of Personality Disorder or other mental disorder not constituting a physical disability will: a. Be corroborated by a peer or higher-level mental health professional. b. Be endorsed by the Surgeon General of the Military Department concerned. c. Address post-traumatic stress disorder (PTSD) and other mental illness co-morbidity. Unless found fit for duty by the disability evaluation system, a separation for Personality Disorder, or other mental disorder not constituting a physical disability, is not authorized if Service-related PTSD is also diagnosed.

Table 28. DoD and Service Policy Protocol Data Points (cont'd)

Protocol Reference	Cited Reference	Policy
Army	AR 635-200, para 5-13a	The corroborated diagnosis will be forwarded for final review and confirmation by the Director, Proponency of Behavioral Health, Office of the Surgeon General (DASG–HSZ).
Navy	Navy MILPERSMAN 1910-122, para 2d	For service members who have served or are currently serving in imminent danger pay areas, a diagnosis of Personality Disorder as addressed in the previous sentence must be corroborated by a peer or higher-level mental health professional and endorsed by the Surgeon General of the Navy.
Air Force	AFI 36-3208, para 5.11.10.1.4	The evaluating psychiatrist or PhD-level clinical psychologist will consult with the Airman's commander to determine if separation under this provision is appropriate. When, in the opinion of the Airman's commander, evaluating psychiatrist or PhD-level clinical psychologist, separation under paragraph 5.11.9.1 (Personality Disorder) is appropriate, the local Military Treatment Facility (MTF) will forward the diagnosis with supporting documentation through appropriate channels for corroboration by a peer or higher-level mental health professional and endorsement from the Air Force Surgeon General. Documentation will be forwarded to the Air Force Medical Operations Agency to obtain Air Force Surgeon General endorsement. In such cases where the Air Force Surgeon General (SG) does not concur in the diagnosis of a Personality Disorder, no further action will be taken under this provision.
Marine Corps	MCO 1900.16, para 6203, 3c(6) states "Regional Naval Medical Commander"	Diagnosis must be endorsed by the Regional Naval Medical Commander.

Appendix E

DoD Policy and Requirements

DoD Instruction (DoDI) 1332.14, “Enlisted Administrative Separations,” January 27, 2014, with change 1, December 4, 2014, requires the separations of service members for NDMC to meet specified criteria. DoDI 1332.14 contains eight administrative separation requirements the Services must follow when separating enlisted service members for NDMCs. Of the eight administrative separation requirements, five apply to all enlisted service members and three apply only to enlisted service members who served in an IDP area, such as Iraq or Afghanistan. See Appendix B for Service policy details.

Over time, DoD expanded its separation policy requirements. In 2011 and 2014, DoD revised its policy by providing additional guidance for those service members who deployed overseas to a contingency operation and additional requirements for involuntary administrative separation of enlisted service members who made an unrestricted report of sexual assault.

DoDI 1332.14 established criteria for separation following a medical diagnosis. These separations are normally considered honorable unless certain conditions are met as identified in the DoDI.

Separation Codes

DoDI 1332.14 identifies the narrative reasons used to select the appropriate separation codes the Services must use to collect causal factors associated with service member separations and to enable the analysis of separation trends. DoD established the six administrative separation codes the Services may use for NDMC separations on the DD Form 214, but the Services have wide latitude as to which codes they use.

These alphanumeric codes are used to identify the conditions under which a service member receives their separation. The OUSD P&R maintains the list of SPD codes. The list of SPD codes is marked For Official Use Only and is protected from release by DoDD 5400.07, “DoD Freedom of Information Act (FOIA),” January 2, 2009.

Codes include voluntary, involuntary, retirement, end of term of Service, medical, punitive, and other types of separation. Certain SPD codes can indicate the voluntary or involuntary nature of the separation or the Service component originating the action. The Department uses over 100 SPD code families and over 450 unique SPD sub-codes to record separations.

SPD code families pertinent to non-disability mental health conditions are Personality Disorder SPD Code (FX), Adjustment Disorder SPD Code (FY), Condition, Not a Disability SPD Code (FV), Disruptive Behavior Disorder SPD Code (FD), Impulse Control Disorder SPD Code (FZ), and mental disorder, other SPD Code (FE). We evaluated separations made under the FX, FY, FV, and FE SPD codes. Although requested, there were no responsive records reflecting separations under the FZ or FD SPD codes.

DD Form 214

DoDI 1336.01, "Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)," August 20, 2009, incorporating change 1, effective December 29, 2014, establishes and implements policy for the preparation and distribution of the various types of DD Forms 214.

Upon separation, service members receive a DD Form 214 from their Service, which includes data such as dates of Service, pay grade, awards received, and a characterization of their Service such as honorable, general (under honorable conditions), or other than honorable. The DD Form 214 should provide an accurate and complete summation of a service member's active military Service.

Additional copies of the DD Form 214 are distributed in accordance with Title 32 Code of Federal Regulations (CFR) § 45.3, "Certificate of Release or Discharge from Active Duty." Service members receive one copy depicting the characterization of Service and reason for the separation and one copy that does not. The annotated copy of the DD Form 214 includes the SPD code, as well as a narrative explaining the reason for the separation.

The SPD code used by the Services for the service member's separation may include an indication of a disability. The Services use this designation to determine whether the service member is entitled to severance pay or to prompt the Services to recoup benefits no longer authorized as a result of the separation. The SPD code does not affect potential follow-on determinations by the Department of Veterans Affairs for administrative disability ratings and benefits to which the service member may be entitled.

DoDI 1336.01, specifically addresses the issue of stigmatization. Enclosure 2, paragraph 2. j. states that:

[o]nly the individual being separated or discharged is entitled access to his or her SPD code. It is not intended that these codes stigmatize an individual in any manner. They are intended for DoD internal use in collecting data to analyze statistical reporting trends that may, in turn, influence changes in separation policy.

Service Conformance with Separations Policy Guidance

Army

Army Regulation 635-200, "Active Duty Enlisted Administrative Separations," June 6, 2005, with rapid action revision September 6, 2011, guides the administrative separation of Army service members. Section 5-17 (9) indicates soldiers with more than 24 months on active duty may be separated under Condition, Not a Disability (FV) SPD code or "[o]ther designated physical or mental conditions."

A senior Army military personnel administrator stated this practice was adopted to avoid stigmatizing service members with a SPD code that might adversely affect future employment. The administrator also stated this decision was made in concert with a senior officer in the Army Mental Health community. The 24-month timeline was arbitrarily selected. The administrator was unable to provide any historical documentation of the coordination that led to this decision. See Appendix D for additional details on AR 635-200.

Navy

Military Personnel Manual (MILPERSMAN) 1910-122, "Separation by Reason of Convenience of the Government – Personality Disorder(s)," August 21, 2009, and MILPERSMAN 1910-120, "Separation by Reason of Convenience of the Government – Physical or Mental Conditions," October 28, 2009, guide the administrative separation of Navy service members.

A senior Navy military personnel official told us the Navy does not have a centralized separation process and uses separation codes provided by OUSD P&R. Further, local Navy personnel offices execute the separation process and quality assurance and U.S. Navy Personnel Command has limited oversight. The official indicated the Navy used a decentralized process but did not know why the Navy constructed it that way. The Navy does not have a standardized quality assurance or oversight program specific to NDMC separations. See Appendix D for details regarding MILPERSMAN 1910-120 and 1910-122.

Air Force

Air Force Instruction (AFI) 36-3208, "Administrative Separation of Airmen," July 9, 2004, Incorporating Change 7, July 2, 2013, guides the administrative separation of Air Force service members. Military Personnel Flight Memorandum (MPFM) 07-09, "Helpful Hints for Using Separation Program Designators (SPDs), Separation Program Tracers (SPTs), and Determining Types of Separation," February 2, 2007, provide guidance for the use of SPDs and SPT.

A senior Air Force representative stated the SPD codes the Air Force use connect to the corresponding paragraph in AFI 36-3208. Further, if the separation ties to a paragraph highlighted in AFI 36-3208, the Air Force uses that code. The Air Force used policy set forth by the DoDI and applied it to the AFI. The Air Force does not audit separation packages because they produced the packets centrally and do not have a standardized quality assurance or oversight program specific to NDMC separations. See Appendix D for additional details.

Marine Corps

MCO 1900.16, "Separation and Retirement Manual," November 26, 2013, guides the administrative separation of Marines.

A senior Marine Corps official told us that the Marine Corps uses two SPD codes (FX - Personality Disorder and FV - Condition, Not a Disability) for Marines administratively separated for medical conditions that are not a ratable disability. Further, the Marine Corps precludes the use of other mental health related SPD codes in its personnel system to ensure there is no stigmatization of separating Marines. The senior military personnel administrator also stated the Marine Corps believed the FX SPD code had a stigmatization associated with it. The administrator highlighted an anecdotal conversation with an unidentified Chamber of Commerce representative which supported the Marine Corps position that if all other attributes were equal, a service member with a FX SPD code would compare unfavorably to an equally qualified service member with a different SPD code. The Marine Corps personnel managers believe the Condition, Not a Disability code destigmatizes the diagnosis in the service member's favor. See Appendix D for additional details regarding MCO 1900.16.

Appendix F

Charter for the Military Service Member Separation Standardization Working Group



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

MANPOWER AND
RESERVE AFFAIRS

JUL 20 2015

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR
MILITARY PERSONNEL AND QUALITY OF LIFE
DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR
MILITARY PERSONNEL POLICY
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE FOR
FORCE MANAGEMENT INTEGRATION
DIRECTOR, JOINT STAFF
DEPUTY CHIEF OF THE NATIONAL GUARD BUREAU
DIRECTOR, RESERVE AND MILITARY PERSONNEL, U. S.
COAST GUARD
DIRECTOR, DEFENSE HUMAN RESOURCES ACTIVITY
DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR
MILITARY PERSONNEL POLICY

SUBJECT: Charter for the Military Service Member Separation Standardization Working Group

Pursuant to a recent Government Accountability Office report recommendation and the National Defense Authorization Act for Fiscal Year 2016 report language requesting the Department of Defense to develop methods to uniformly track separations due to non-disability mental conditions in an easily retrievable manner, the Department will conduct a comprehensive review of separation program designator codes and the information portrayed on the various copies of the DD Form 214 to ensure that our policies and processes are adequate to track, manage, and convey the benefits to which a Service member is entitled.

To conduct this review, I have established the Separation Standardization Working Group (SSWG), comprised of representatives from each of the Military Departments, the Military Services (including the Coast Guard), the National Guard Bureau, the Joint Staff, the Defense Data Management Center, and the Office of the Deputy Assistant Secretary of Defense for Military Personnel Policy. The SSWG charter with the list of initial members is attached. Ms. Juliet Beyler, Director, Officer and Enlisted Personnel Management, will lead this effort.

Thank you for providing leadership to this effort and identifying your representative to serve on the SSWG. My point of contact is Mr. Steve Nye at (571) 256-0609 or email stephen.b.nye.civ@mail.mil.

Stephanie Barna
Principal Deputy
(Readiness and Force Management)

Management Comments

OUSD P&R



OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

MAY 2 2016

MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault

This memorandum is in response to your request to review and comment on the draft Department of Defense (DoD) Inspector General's report, "Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault (Project No. 2015C012)," dated April 21, 2016.

My staff has reviewed the draft report and the specific recommendations directed to the Under Secretary of Defense for Personnel and Readiness. We concur with the recommendations and believe they will further assist in addressing the underlying separation policy issues currently being reviewed by the Assistant Secretary of Defense for Manpower and Reserve Affairs' chartered Separations Standardization Working Group (SSWG). Among the tasks assigned to this cross cutting group of Service and departmental experts, the SSWG has been directed to make recommendations that bring standardization across the Military Services, including the Reserve Components, which uniformly track Service member separations for specific non-disability mental conditions. This working group stood up in August 2015 and is chartered to report out in 2017.

I thank you for your review of these programs and your assistance in making them more productive and effective. Should your office have questions in the future on the work group's progress, my point of contact for separations policy, Mr. Kent Bauer, can be reached at (703) 693- 4204 or kent.p.bauer.civ@mail.mil.

A handwritten signature in black ink, appearing to read "Barna".

Stephanie Barna
Principal Deputy Assistant Secretary of Defense
for Manpower and Reserve Affairs,
Performing the Duties of the Principal Deputy
Under Secretary of Defense for Personnel and
Readiness

Secretary of the Air Force



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, DC

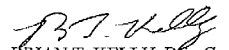
APR 29 2016

MEMORANDUM FOR SAF/MR

FROM: AF/AIP

SUBJECT: Response to DoD IG Report (Project #2015C012): Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault

1. AF/AIP concurs with comment in response to DoD IG report, Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault. Comments do not propose any changes to report findings or recommendations but are administrative in nature. Detailed comments are located in Attachment 1, A1 Comment Matrix.
2. This memorandum is provided to SAF/MR to assist in responding to DoD IG. AF/A1 POC is Lt Col Deborah Packler at 703-571-0827.


BRIAN T. KELLY, Brig Gen, USAF
Director, Military Force Management Policy

Attachment 1:
A1 Comment Matrix

Secretary of the Air Force (cont'd)

SELECT A CLASSIFICATION

Evaluation of the Separation of Service Members Who Made a Report of Sexual Assault Project No. 2015C012						
#	CLASS	COMPONENT AND POC NAME, PHONE, AND E-MAIL	PAGE	PARA	COMMENT TYPE	COMMENTS, JUSTIFICATION, AND ORIGINATOR JUSTIFICATION FOR RESOLUTION
						A/R/P
1	U	AF/A1PPS, Lt Col Deborah Packler, 703-571-0827, deborah.a.packler.mil@mail.mil	i	1	A	Coordinator Comment: Recommend placing introductory para, "The Military Services did not complete a total of 254..." on pg ii as Finding B. Coordinator Justification: This para appears to be a finding and was indicated as such in a previous draft. Originator Justification for Resolution:
2	U	AF/A1PPS, Lt Col Deborah Packler, 703-571-0827, deborah.a.packler.mil@mail.mil	ii	2	A	Coordinator Comment: Recommend placing para 2 on this page in right column on same page so it will be recognized as Recommendation B2 as opposed to Finding B. Coordinator Justification: This para appears to be a recommendation rather than a finding and was indicated as such in a previous draft. Originator Justification for Resolution:
3	U	AF/A1PPS, Lt Col Deborah Packler, 703-571-0827, deborah.a.packler.mil@mail.mil	vi	Table of Contents	A	Coordinator Comment: Recommend changing name of Appendix E to "DoD Policy and Requirements" and changing name of Appendix F to "Charter for the Military Service Member Separation Standardization Working Group" and deleting Appendix G. Coordinator Justification: Appendices E and F are mislabeled in the table of contents, and Appendix G does not exist in this version of the report. Leaving as-is may cause confusion to readers. Originator Justification for Resolution:
4	U	AF/A1PPS, Lt Col Deborah Packler, 703-571-0827, deborah.a.packler.mil@mail.mil	25	4	A	Coordinator Comment: Recommend changing "(see Appendix G)" on second to last line of para to "(see Appendix F)." Coordinator Justification: There is no Appendix G in this version of the report.

SD FORM 818, MAY 14 ALL PREVIOUS EDITIONS ARE OBSOLETE AND SHOULD NOT BE USED

SELECT A CLASSIFICATION

2

Acronyms and Abbreviations

AR	Army Regulation
AFI	Air Force Instruction
CFR	Code of Federal Regulations
DMDC	Defense Manpower Data Center
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DoD IG	Department of Defense Inspector General
GAO	Government Accountability Office
IDP	Imminent Danger Pay
MILPERSMAN	Navy Military Personnel Manual
MPFM	Military Personnel Flight Memorandum
MCIO	Military Criminal Investigative Organization
MCO	Marine Corps Order
NDMC	Non-Disability Mental Condition
NDPC	Non-Disability Physical Condition
OUUSD P&R	Office of the Undersecretary of Defense for Personnel and Readiness
PERSEREC	Defense Personnel and Security Research Center
PII	Personally Identifiable Information
PTSD	Post-Traumatic Stress Disorder
SPD	Separation Program Designator

Whistleblower Protection

U.S. DEPARTMENT OF DEFENSE

The Whistleblower Protection Enhancement Act of 2012 requires the Inspector General to designate a Whistleblower Protection Ombudsman to educate agency employees about prohibitions on retaliation, and rights and remedies against retaliation for protected disclosures. The designated ombudsman is the DoD Hotline Director. For more information on your rights and remedies against retaliation, visit www.dodig.mil/programs/whistleblower.

For more information about DoD IG reports or activities, please contact us:

Congressional Liaison

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