



**DEPARTMENT OF THE AIR FORCE**  
**WASHINGTON, DC**

Office of the Assistant Secretary

08 January 2019

MEMORANDUM FOR AFBCMR

**AFBCMR CASE # BC-2018-00615**

**DeRito Adam C. L.**

**SUBJECT: Application for Correction of Military Records**

The applicant's available case file has been reviewed and is forwarded with the following findings, conclusions and recommendations.

**REQUESTED ACTION:** The applicant petitions to the Board through his legal counsel to remove Personality Disorder and Impulse Control Disorder from his official Department of Defense medical records. He contends he discovered that there were false medical entries placed into his medical records by the United States Air Force (USAF) Academy after preparing a Warrant Officer Package for the Utah National Guard in April 2017. Applicant also requests his service characterization discharge be upgraded to Honorable and his completed USAF Academy degree be reinstated.

**FACTS:** According to the applicant's DD Form 214, he was a cadet the USAF Academy from 29 June 2006 and was disenrolled on 14 October 2010 under AFI 36-3202 for reason of Secretarial Authority. Personnel records indicated he was involuntarily disenrolled for misconduct. He received a General Under Honorable Conditions service characterization discharge.

The following evidence is provided in chronological order of occurrence in the available case file for review in the effort to facilitate an informed Board decision.

- 01 August 2008 – 29 March 2010 – Applicant engaged in multiple misconduct to include wrongfully engaged in an unprofessional relationship with a cadet, failure to obey a no-contact order, sending offensive emails (nude photos of self to an underage female) over the USAF Academy exchange email system, had unsatisfactory behavior, attitude, and military bearing, and was disrespectful towards a cadre. For these misconduct, he had received one Article 15, two Letter of Reprimands, and two records of individual counselings.
- August 2009 – Applicant received individual psychotherapy four times for stressful life events in this month per letter dated on 11 April 2017 from his former mental health provider (Todd). No diagnosis was documented.
- 05 February 2010 – 11 June 2010 – Applicant returned to therapy with the same provider and attended a total of 19 sessions. The same provider stated he could not recall the diagnosis he used to treat applicant during this time period in his letter.
- 12 & 13 May 2010 – Applicant was referred by his commander for a risk assessment due to concerns of his risk to others based on information provided by other cadets, disciplinary issues, and personal presentation. Applicant was assessed and administered a clinical interview and psychological testing by a clinical psychologist (Henley Price) at the USAF Academy. No mental health diagnosis was assigned for these encounters and assessment results.

- 14 October 2010 – Applicant appealed his disenrollment to the Secretary of the Air Force Personnel Council (SAFPC). SAFPC determined that applicant was required to reimburse the U.S. government for the cost of education expenses incurred by his attendance at the USAF Academy and denied his request for an educational delay or an alternative to enlist in the Air Force to complete his active duty obligation.
- 14 October 2010 – Applicant was officially involuntarily disenrolled from the USAF Academy.
- 20 June 2011 – An administrative chart closure note was entered on this date in his electronic medical records (AHTLA) by his evaluating provider (Henley Price). The note indicated applicant was separated from the Academy, no longer active duty and was given diagnoses of Impulse-Control Disorder, Not Otherwise Specified (NOS) and Personality Disorder NOS with Narcissistic, Antisocial, Paranoid, and Obsessive-Compulsive Personality Traits present.
- 29 January 2015 – Applicant petitioned with the Discharge Review Board (DRB) for an upgrade of his service discharge characterization. His request was denied by DRB due to no inequity or impropriety identified at the time of his discharge processing.

**DISCUSSION:** This psychological advisor has reviewed all available mental health records, military records, and records submitted by applicant and his legal counsel for review for consideration of applicant's requests. This psychological advisor addresses his contention of false medical entries first followed by his two requests for an upgrade to Honorable and to reinstate his USAF Academy degree.

While a cadet at the USAF Academy, applicant received individual psychotherapy in April 2009 and then from 05 February 2010 to 11 June 2010 to cope with personal stressors with an active duty psychologist/provider (Todd). This same provider is now a civilian provider with whom applicant now receives supportive counseling since 27 May 2014 and whom had provided a corroborating letter on applicant's behalf as part of this petition. According to the letter by this provider dated on 11 April 2017, it appeared more likely than not that applicant received a mental health diagnosis while as a cadet and as the provider stated, "***I cannot recall what diagnosis I used while treating him then***"; however, records of his treatment with this provider was not submitted and unavailable for review. His treatment notes were also not available in his electronic records (AHLTA). Interestingly, the provider also pondered in his letter why there were no records of his treatment with applicant and the assessment that was performed on applicant while at USAF Academy were not present in his records? This psychological advisor acknowledges that this is a concerning. Mental health treatment entries and notes that were available in AHLTA for review began on 10 May 2010. On this date, a telephone conversation note written by a psychologist (Henley Price) documented conversations that occurred with applicant's treating psychologist (then referred to as Maj Todd) regarding applicant's impression and attitude towards psychological testing and his hesitancy to complete the Minnesota Multiphasic Personality Inventory-2 (MMPI-2), "Cadet explained this is the measure he has heard 'kicks people out of the military'." The note also documented a conversation with the applicant's commander (Lt Col Christiansen) regarding her concerns with the applicant and the reason for the assessment risk referral. A couple of days later on 12 May 2010, applicant was assessed by Dr. Henley Price which consisted of a clinical interview and a battery of psychological tests (MMPI-2, Millon Clinical Multiaxial Inventory, 3<sup>rd</sup> Edition and Rotter Incomplete Sentences Test) that took approximately 120 minutes to complete. A separate entry/note was written the following day on 13 May 2010 by the same evaluating psychologist (Henley Price) documenting an encounter with the applicant the previous day during testing administration, "*While the provider explained the testing purpose and directions to him, he understood and agreed. When the mental health*

technician began the testing, he became upset and stated he was not going to complete the MMPI-2. The tech notified the member that he was here voluntarily and did not have to complete the testing. The member began completing the testing of the MCMI and the tech came to the provider and explained the situation. The provider asked the member if he had any questions or issues with completing the MMPI-2 and he stated no, he would complete it as long as the results were not released to his commander. The provider explained the results would be used in the assessment of his risk only." These treatment records are contrary to applicant and his legal counsel's contention of, "There is no official record indicating Ms. Henley Price actually saw, spoke to, met or treated SPC DeRito in any capacity." Applicant had indeed met with, spoke to, and was assessed by Dr. Henley Price on 12 May 2010 as evidenced by his records. It appeared that applicant did complete all recommended tests to include the MMPI-2. He was given diagnoses of **Psychiatric Diagnosis or Condition Deferred on Axis I and Axis II**. This nomenclature means there is either no diagnosis or pending the gathering of additional information on both Axes (Axis I: Clinical Disorder and Axis II: Personality Disorders and Mental Retardation) for a confirmed diagnosis according to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision that was in effect at the time. These diagnosis placeholders were appropriate as applicant had just underwent testing the same day and results were not interpreted yet.

The results of applicant's psychological testing was apparently completed. An administrative note dated on 13 May 2010 written by the evaluating psychologist (Henley Price) reported, "**Report written and placed in Mental Health Chart.**" Unfortunately, applicant's mental health chart with his psychological testing results was not included in AHLTA and therefore, this psychological advisor was deprived of being able to view and assess the results. There was no mental health diagnosis documented or discussed in this note and there were no other mental health evaluations, treatment, and/or administrative notes in his records for the remainder of his time as a cadet in USAF Academy after this note. On 20 July 2011, a chart closure note written by Dr. Henley Price acknowledging that applicant had already separated from the academy, no longer active duty, and the last date of contact was 13 May 2010. Furthermore, two diagnoses were documented in this note: **Axis I: 312.30 Impulse-Control Disorder, NOS** and **Axis II: Personality Disorder, NOS with Narcissistic, Antisocial, Paranoid, and Obsessive-Compulsive Personality Traits Present**. There was no explanation or discussion provided for the rationale of assigning these diagnoses in the note and this is the first and only time these diagnoses appeared in his medical records. It is highly unusual for a provider to document diagnoses in a client's records without a rationale or basis and most likely than not was possibly recorded in his psychological testing report. This is however, purely speculative as no report is available to corroborate these diagnoses at this time even though these diagnoses may appear somewhat appropriate based on his patterns of misconduct and observation during assessment and testing.

This psychological advisor has considered and reviewed letters and psychological reports submitted by applicant and his legal counsel contending the diagnoses that he was given post academy. Both providers (Grgich and Todd) including his former primary therapist from his time at USAF Academy reported applicant does not meet any criteria for any mental health diagnosis to include the two diagnoses he was previously given. Taken into consideration all of the records and information or lack thereof as discussed, this psychological advisor opines that at this time, there is insufficient evidence to support the validity and appropriateness of these diagnoses. Thus, applicant's request to remove these diagnoses from his medical records is supported.

This psychological advisor also acknowledges the concern raised by applicant's legal counsel regarding the credentials of the provider (Henley Price) assigning the diagnoses. This concern is out of the purview of this advisor's scope of practice and therefore, could not be addressed.

This psychological advisor now diverts the attention of the Board and the reader to addressing applicant's other requests of an upgrade to Honorable and his completed USAF Academy degree be reinstated. **Applicant was not disenrolled from the academy due to his mental health conditions or diagnoses but for patterns of misconduct.** Please see timeline for details of misconduct. Previous boards, SAFPC and DRB, determined that a General Under Honorable Conditions service characterization discharge was appropriate based on the nature of his misconduct. He was also noted to have poor academic performance and was placed on aptitude probation according to the Record of Disenrollment from Officer Candidate – Type Training document dated on 25 June 2010 and for these cumulative reasons, were the basis for his disenrollment from the Academy and being unable to attain a degree. These contentions are also out of the purview of this advisor's scope of practice to comment or render an opinion on these matters and refers the Board to obtain a personnel advisory to address these contentions. This psychological advisor does however, finds no evidence that his mental health condition mitigated his misconduct leading to his disenrollment from the Academy.

**RECOMMENDATIONS:** This psychological advisor finds sufficient evidence to support applicant's request to remove diagnoses of Impulsive Control Disorder NOS and Personality Disorder NOS assigned post academy from his records as they were insufficient evidence in his records to support the assigned diagnoses. This psychological advisor however, finds insufficient evidence that he had any mental health conditions that may mitigate his misconduct leading to his disenrollment from the USAF Academy that would support his request for an upgrade to Honorable and a completed degree from the Academy.

 PSYD

PSYCHOLOGICAL ADVISOR, AFBCMR