

United States Senate

WASHINGTON, DC 20510

September 8, 2016

The Honorable Ashton Carter
Secretary of Defense
U.S. Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Carter:

We write to bring your attention to inequities in how the military services consider diagnosed mental health conditions when administratively separating service members.

A recent Department of Defense Inspector General report revealed that nearly a quarter of sexual assault survivors who were separated from service after reporting an assault were separated for misconduct, as opposed to eight percent of the general population. Too often, commanders administratively separate survivors for minor disciplinary infractions, in some cases despite the fact they have been diagnosed with a mental health condition resulting from trauma.

Sexual assault survivors who engage in misconduct in response to trauma, such as taking unauthorized leave to flee their perpetrators, are at a higher risk of being involuntarily discharged under other than honorable conditions. The problem, however, extends to combat veterans with Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI), who may also exhibit irregular behavior, have difficulty performing at work, or battle substance abuse. Their chain of command may not understand that these disciplinary infractions can be symptoms of mental health conditions.

The current military discharge policy for misconduct does not adequately weigh behavior that may have resulted from mental health conditions. As a result, many service members with mental health conditions related to their military service can face an involuntary discharge under less than fully honorable conditions, which can be emotionally and financially devastating and prevent them from receiving the benefits and medical care that they need to heal.

Service members who are involuntarily separated have a higher rate of suicide, are more likely to become homeless, and can face employment discrimination for their adverse discharge. Even an involuntary honorable discharge on the grounds of a personality disorder may mean that a victim is ineligible for reenlistment and transitional benefits. Once an adverse characterization is adjudged, it can be an extremely difficult process to upgrade it through the military correction board process.

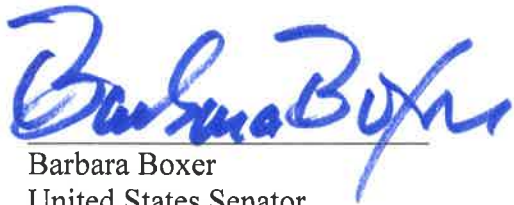
Certainly, important reforms have been enacted in the last several years so that fewer service members receive wrongful discharges and are forced to petition the boards for redress. However, more can be done to ensure service members are not unfairly discharged as a result of mental health conditions brought on by trauma incurred during service, whether from combat, sexual assault, or both.

We applaud Navy Secretary Mabus's recent actions updating the service's administrative separation policy to better protect Sailors and Marines with diagnosed mental health conditions. This historic change will allow any mitigating medical condition to take precedence over misconduct when a service member is being involuntarily separated and will allow for his or her referral for evaluation for a medical discharge.

We urge you to issue similar discharge guidance and instructions across the Armed Forces that indicate that diagnosed mental health conditions should take precedence over minor misconduct when a service member is being administratively separated. Clear guidance will ensure that all service members who are impacted by combat or military sexual assault-related trauma receive fair consideration of their medical conditions prior to their separation from the military and will ensure that fair, consistent and transparent standards are being applied across the services.

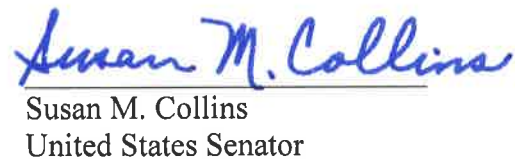
Thank you for your attention to this request. We look forward to your response.

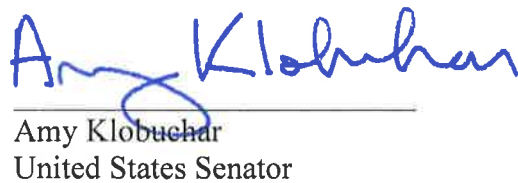
Sincerely,

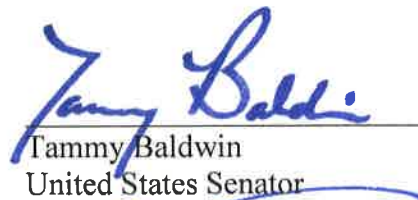

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