

**NATIONAL EXECUTIVE COMMITTEE  
OF  
THE AMERICAN LEGION  
INDIANAPOLIS, INDIANA  
MAY 8 – 9, 2013**

**Resolution No. 26: Mischaracterization of Discharges for Servicemembers with Traumatic Brain Injury (TBI) and Post Traumatic Stress Disorder (PTSD) and Military Sexual Trauma (MST)**

**Origin: Veterans Affairs and Rehabilitation Commission**

**Submitted by: Veterans Affairs and Rehabilitation Commission**

WHEREAS, In 1916, the military began using “blue discharges” which was a form of administrative and less than honorable military discharge whereby servicemembers were subsequently denied the benefits of the G.I. Bill by the Veterans Administration and had difficulty finding work because employers were aware of the negative connotations of their blue discharge; and

WHEREAS, The American Legion lobbied the military and Congress in the original GI Bill legislation that led to the creation of an independent military discharge review board as well as ensured servicemembers with “blue discharges” or other than dishonorable discharges were entitled to their earned veterans benefits; and

WHEREAS, Later during the 1940s to early 1970s, the United States military used Separation Personnel Codes (SPN) or “spin codes” to categorize servicemembers based on discriminatory ailments or behavioral issues that had occurred during their military service; and

WHEREAS, These controversial SPN codes were later overturned through the work of The American Legion and Congress as it unjustly prevented employers from hiring veterans after their military service; and

WHEREAS, Today with the current conflicts in Operation Iraqi Freedom (OIF), Operation Enduring Freedom (OEF) and Operation New Dawn (OND), the military has again come under intense scrutiny by Congress, veteran service organizations and the media for their discharge policies and reclassification of discharges as either personality disorder, pre-existing and/or adjustment disorders, when these medical conditions did not exist prior to a member’s service; and

WHEREAS, In February 2012, Madigan Army Medical Center servicemembers were subjected to a forensic psychiatry team for several years to prevent them from being discharged with a medical retirement due to post traumatic stress disorder (PTSD) or other mental health illnesses incurred in service; and

WHEREAS, Then Senate Veterans Affairs Committee Chairman Patty Murray directed these 1,500 Madigan servicemembers to be reevaluated for their symptoms and 285 of these cases were reversed to ensure they received the proper care and benefits for their injuries and illnesses; and

WHEREAS, In October 2008, the Government Accountability Office (GAO) published a report, “Additional Efforts Needed to Ensure Compliance with Personality Disorder Separation Requirements,” as well as a follow up study in September 2010 which found that DOD does not have reasonable assurance that its key personality disorder separation have been followed by the military service branches; and

WHEREAS, It continues to remain unclear what each of the military service branch’s directives, policies and protocols are in place for administering personality and adjustment disorders, particularly for servicemembers that are diagnosed with traumatic brain injury, PTSD, and/or who are victims of military sexual trauma; now, therefore, be it

**RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 8-9, 2013, That the Veterans Affairs and Rehabilitation Commission and National Security Commission staff conduct a study of existing Department of Defense policies and procedures for character of discharge for servicemembers that served during time of war and were susceptible or diagnosed with traumatic brain injury, post traumatic stress disorder, are victims of military sexual trauma, and/or any other personality related disorders.**