

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 October 2023

DOCKET NUMBER: AR20230003029

APPLICANT REQUESTS: an upgrade of her uncharacterized service from the U.S Army Reserve (USAR) to honorable, and a personal appearance before the Board via video or telephone.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record), 15 December 2022
- DD Form 4 Series (Enlistment/Reenlistment Document), 15 February 1996
- DA Form 2-1 (Personnel Qualification Record), 25 June 1996
- Chronological Statement of Retirement Points, 14 February 1997
- Orders 075-51, Department of the Army, 99th Regional Support Command, Oakdale, Pennsylvania, 16 March 1998
- Standard Form 180 (Request Pertaining to Military Records), 29 July 2009

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, Section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states, in effect, although she served a short time her conduct was nothing less than honorable. She wanted to continue her service; however, because she got pregnant she was unable to do so. She is requesting her uncharacterized discharge be changed to honorable to assist her and employers in clarification of her Veteran status.
3. The applicant enlisted in the USAR for a period of 8 years on 15 February 1996.
4. A DA Form 2-1 (Personnel Qualification Record) shows the applicant completed 8 weeks of basic combat training however she did not complete advanced individual training.

5. She provides a chronological statement of retirement points which shows on 15 February 1996 through 14 February 1997 she earned a total of 83 creditable points.
6. The applicant's Official Military Personnel File (OMPF) is void of a separation packet containing the specific facts and circumstances surrounding her USAR discharge.
7. Orders 075-51, issued by Department of the Army, 99th Regional Support Command, Oakdale, Pennsylvania, dated 16 March 1998, discharged the applicant from the USAR, under the provisions of Army Regulation (AR) 135-178 (Separation of Enlisted Personnel), with uncharacterized service.
8. AR 135-178, prescribes policies, criteria, and procedures for the administrative separation of ARNG and USAR enlisted Soldiers for a variety of reasons; to include the Soldier's refusal to comply with orders or correspondence and unsatisfactory participation in drills.
9. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active duty service. Entry-level status for members of a Reserve component terminates (a) 180 days after beginning training if the Soldier is ordered to active duty for training (ADT) for one continuous period of 180 days or more; or (b) 90 days after the beginning of the second period of ADT if the Soldier is ordered to ADT under a program that splits the training into two or more separate periods of active duty. The evidence of record shows the applicant was in an entry-level status at the time of her separation.

BOARD DISCUSSION:

1. The applicant's request for a personal appearance was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance before the Board is not necessary to serve the interest of equity and justice in this case.
2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. Documentation available for review shows that although the applicant completed 8 weeks of basic combat training, she did not complete advanced individual training. Governing regulation provides that a separation will be described as uncharacterized if the separation action is initiated within the first 180 days of active duty service. Governing regulation provides that a separation will be described as uncharacterized if the separation action is initiated within the first 180 days of active duty service.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, Section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. AR 135-178 sets forth the basic authority for the separation of enlisted Reserve Component personnel.

a. Paragraph 1-17, provides that an uncharacterized type of discharge is appropriate when a Soldier separates as entry level status, order of release from the custody and control of the Army for reason of void enlistment or induction, and separation by being dropped from the rolls of the Army,

b. Paragraph 2-9a provides that an honorable characterization of service is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

c. Paragraph 2-9b provides that a general (under honorable conditions) characterization of service is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

3. AR 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, set forth the basic authority for the separation of enlisted personnel.

a. It provides that an uncharacterized separation is an entry-level separation. A separation will be described as an entry-level separation if processing is initiated while a member is in an entry-level status (except when the characterization of under other than honorable condition is authorized), or when the Secretary of the Army, on a case-by-case basis, determines that a honorable discharge is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty.

b. A member of a Reserve component who is not on active duty, or who is serving under a call or order to active duty for 180 days or less, begins entry-level status upon enlistment in a Reserve component. Entry-level status of such a member of a Reserve component terminates (a) 180 days after beginning training if the Soldier is ordered to ADT for one continuous period of 180 days or more; or (b) 90 days after the beginning

of the second period of ADT if the Soldier is ordered to ADT under a program that splits the training into two or more separate periods of active duty.

4. Army Regulation 635-5 (Separation Documents), paragraph 2-1, provides the instructions for preparing the DD Form 214. This regulation provides that:

a. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge.

b. The DD Form 214 will be prepared for Reserve Component (RC) members completing initial ADT that results in the award of a military occupational specialty, even when the active duty period was less than 90 days.

c. The characterization or description of service is determined by directives authorizing separation.

//NOTHING FOLLOWS//