

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 27 October 2023

DOCKET NUMBER: AR20230003030

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 4 February 1993, to show his service was characterized as honorable.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 293 (Application for the Review of Discharge), dated 23 November 2022
- letter, Department of Veterans Affairs (VA), dated 9 November 2022

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 his uncharacterized discharge was in error. He received a letter from the VA stating his discharge should have been characterized as honorable.
3. The applicant enlisted in the Regular Army on 24 November 1992 for a 4-year period. He reported to Fort Jackson, SC, for the completion of initial entry training. His service record indicates he did not complete initial entry training prior to discharge.
4. The applicant's service record contains a Standard Form 519-B (Radiologic Consultation Request/Report), dated 16 December 1992, which shows he was referred to radiology for a bone scan of his T-spine, C-spine, and pelvis due to low back pain.
5. A DA Form 4707 (Entrance Physical Standards Board [EPSBD] Proceedings), dated 22 January 1993, shows the following:
 - the applicant was diagnosed with symptomatic spondylosis
 - the condition existed prior to service

- the board recommended that he be separated from the military by reason of failure to meet medical procurement standards
 - the applicant concurred with the proceedings, received counseling regarding his options, and requested a discharge from the U.S. Army without delay
6. The applicant's immediate and intermediate commanders further recommended his separation in accordance with the board's findings.
7. The applicant was discharged on 4 February 1993, under the provisions of Army Regulation 635-200 (Personnel Separations - Enlisted Personnel), paragraph 5-11, by reason of failure to meet procurement medical fitness standards/no disability. His DD Form 214 confirms his service was uncharacterized, with separation code JFT and reentry code RE-3. He was credited with 2 months and 11 days of net active service. He was not awarded a military occupational specialty.
8. The applicant provides a letter from the VA, dated 9 November 2022, which shows his character of service for the period 24 November 1992 to 4 February 1993 is considered under honorable conditions for VA purposes.
9. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active duty service. The evidence of record shows the applicant was in an entry-level status at the time of his separation. As a result, his service was appropriately described as "uncharacterized" in accordance with governing regulations.
10. The Board should consider the applicant's argument and/or evidence in accordance with the published equity, injustice, or clemency determination guidance.

BOARD DISCUSSION:

After review of the application and all evidence, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined there was insufficient evidence to grant relief. Documentation available for review indicates that the applicant received proper counselings, afforded access to medical evaluation and treatment, and separated do to inability to adapt to the military environment. As he was in entry level status and had not received an MOS, in accordance with regulatory guidance he was discharged with a characterization of service as "uncharacterized." An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise.

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. Army Regulation 635-200 sets forth the basic authority for the separation of enlisted personnel.

a. Chapter 3 provides that a separation will be described as entry level with uncharacterized service if the Soldier has less than 180 days of continuous active duty service at the time separation action is initiated.

b. Paragraph 3-7a provides that an honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. The honorable characterization is appropriate when the quality of the member'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 3-9, in effect at the time of the applicant's separation, provided that a separation would be described as entry level with uncharacterized service if processing was initiated while a Soldier was in an entry-level status, except when:

(1) a discharge under other than honorable conditions was authorized, due to the reason for separation and was warranted by the circumstances of the case; or

(2) the Secretary of the Army, on a case-by-case basis, determined a characterization of service as honorable was clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization was authorized when the Soldier was separated by reason of selected changes in service obligation, for convenience of the government, and under Secretarial plenary authority.

d. Paragraph 5-11 provides that Soldiers who are not medically qualified under procurement medical fitness standards when accepted for enlistment or who become medically disqualified under these standards prior to entrance on active duty, active duty for training, or initial entry training will be separated. A medical proceeding, regardless of the date completed, must establish that a medical condition was identified by appropriate medical authority within 6 months of the Soldier's initial entrance on active duty, that the condition would have permanently or temporarily disqualified the Soldier for entry into military service had it been detected at that time, and the medical

condition did not disqualify the Soldier from retention in the service. The character of service for Soldiers separated under this provision would normally be honorable but would be uncharacterized if the Soldier was in an entry-level status.

//NOTHING FOLLOWS//