

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 July 2024

DOCKET NUMBER: AR20230004234

APPLICANT REQUESTS: in effect,

- the word "Pregnancy" and separation program number (SPN) "221" be removed from her DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 18 July 1972.
- compensation for being involuntarily discharged due to pregnancy.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 28 March 1972
- Special Orders Number 62, 29 March 1972
- DD Form 214, 18 July 1972
- Marriage Certificate, 21 October 1983
- House of Representatives (H.R.) 2385, 8 April 2021

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 she is requesting the word pregnancy be removed from her DD Form 214. SPN codes were replaced by alpha-numeric separation codes. The Department of Defense no longer allows the meaning of these codes to be released. She is requesting compensation because she was involuntarily discharged from service due to pregnancy and the Armed Forces did not provide her with required separation benefits, counseling, or assistance.
3. The applicant provides:
 - a. A marriage certificate dated 21 October 1983.

b. H.R. Bill 2385 dated 8 April 2021, which required the Government Accountability Office to conduct a study regarding women involuntarily separated or discharged from the Armed Forces due to pregnancy or parenthood, and for other purposes. It was the sense of Congress that women who served in the Armed Forces before 23 February 1976 should not have been involuntarily separated or discharged due to pregnancy or parenthood. Congress found that although the Armed Forces were required to offer women who were involuntarily separated or discharged due to pregnancy the opportunity to request retention in the military, many such women were not offered the opportunity, and did not provide required separation benefits, counseling, or assistance to the members of the Armed Forces who were separated or discharged due to pregnancy.

4. A review of the applicant's service record shows:

a. She enlisted in the U.S. Army Women's Army Corps (WAC) on 23 October 1969, for a period of 3 years.

b. A DD Form 214 shows she was honorably discharged on 28 March 1972, for immediate reenlistment. Her DD Form 214 shows she was awarded/authorized the National Defense Service Medal.

c. She reenlisted on 29 March 1972 for a period of 4 years.

d. A statement from a medical officer at the U.S. Army Health Clinic, Fort Sheridan, IL, shows on 6 July 1972, the applicant was found to be pregnant on examination.

e. A DA Form 2496 (Disposition Form), dated 7 July 1972, shows the applicant's immediate commander requested that she be discharged from the military service under the provisions of Army Regulation (AR) 635-200, chapter 8, section III, pregnancy.

f. On 12 July 1972, the separation authority approved the discharge, directed she be notified of the decision, and stated the applicant would be issued an honorable discharge certificate.

g. On 13 July 1972, the applicant's immediate commander notified the applicant that she would be separated under the provisions of AR 635-200, chapter 8, section III, for pregnancy.

h. The applicant underwent a medical evaluation on 14 July 1972. The examining physician stated she was qualified for expiration of term of service.

i. A statement of medical condition, dated 17 July 1972, shows the applicant underwent a separation medical examination more than three working days prior to her

departure from place of separation and to the best of her knowledge, since her last separation examination there had been no change in her medical condition.

j. The applicant was discharged on 18 July 1972. Her DD Form 214 shows she was discharged under the provisions of AR 635-200, Separation Program Number (SPN) 221, for pregnancy, and her service was characterized as honorable. Her DD Form 214 shows she completed 2 years, 8 months, and 28 days of active service.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant was honorably discharged on 18 July 1972 due to pregnancy. Her DD Form 214 shows she was discharged under the provisions of AR 635-200, Separation Program Number (SPN) 221, for pregnancy. Her discharge was completed in accordance with the governing regulation in effect at the time. She was also correctly assigned Separation Program Number 221, which was the appropriate Code assigned to enlisted members separated for pregnancy. The Board found no error or injustice. The applicant provides an extract of a bill introduced in the United States House of Representative requiring the Government Accountability Office to conduct a study regarding women involuntarily separated or discharged from the Armed Forces due to pregnancy or parenthood during the period of 1951-1976. The current Bill neither mandates a change to the Separation Code nor authorizes compensation by the Services. The key points of such study are to determine how such discharges or separations affected access of such women to health care and benefits through the Department of Veterans Affairs; and make recommendations for improving access of such women to resources through the Department of Veterans Affairs. The Board found no error or injustice.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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.

[REDACTED]

[REDACTED]

[REDACTED]

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 (Personnel Separations – Enlisted Personnel), in effect at the time, provided the authority for separation of enlisted personnel upon expiration of term of service.

a. Chapter 8 established policy, set forth procedures, and provided authority for discharge of enlisted women by reason of marriage, pregnancy, or parenthood.

b. Paragraph 8-8, Section III, stated discharge would be accomplished at the earliest practicable date when:

(1) It had been determined by a physician on duty at an Armed Forces medical treatment facility that an enlisted woman is pregnant.

(2) It had been determined by a physician on duty at an Armed Forces medical treatment facility that an enlisted woman was pregnant at any time during the present enlistment.

(3) The enlisted woman gives birth to a child during present enlistment.

c. Paragraph 8-9, responsibility of WAC unit officer, stated:

(1) The WAC unit commander would direct the enlisted woman whose physical condition indicates the possibility of pregnancy to report at once to a physician on duty at an Armed Forces medical treatment facility for diagnosis. The WAC unit commander would also initiate discharge proceedings immediately upon medical certification of pregnancy or recent termination.

(2) Every assistance would be given by the unit commander or a designated officer of the Women's Army Corps to the enlisted woman. The enlisted woman would be counseled by a WAC officer concerning all the rights, privileges, and benefits to be obtained as a result of her military service. She would also be assisted in contacting administering agencies for aid and advice in applying for such rights, benefits, and privileges. If the enlisted woman desired, the office would refer her to a representative of the American National Red Cross or to other appropriate agencies for assistance.

d. Paragraph 8-12, type of certificate to be furnished and authority for discharge stated:

(1) An honorable or general discharge certificate would be furnished, in accordance with section III, chapter 1. Determination of the type of discharge to be furnished would be made without regard to the marital status of the enlisted woman.

(2) Authority (section III, chapter 8) and SPN 221 would be included in directive or orders directing the individual to report to the appropriate transfer activity.

e. Paragraph 8-13, maternity care, stated an enlisted woman discharged from the Army under honorable conditions who was pregnant at the time of discharge would be

entitled to maternity care. The medical benefits to which an enlisted woman would be entitled were limited to care in military hospitals and did not, regardless of the circumstances, include care obtained in civilian hospitals.

3. Army Regulation 635-5 (Separation Documents), in effect at the time, provided instructions for the preparation and distribution of the DD Form 214. Appendix A provided Separation Program Numbers (SPN) and authority governing separations. The SPN 221 corresponded to the authority, Section III, Chapter 8, Army Regulation 635-200, and the narrative reason, pregnancy.

//NOTHING FOLLOWS//