

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 27 October 2023

DOCKET NUMBER: AR20230004465

APPLICANT REQUESTS: the Board correct his uncharacterized character of service to show either an honorable or a general discharge under honorable conditions.

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

DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, he feels the medical authority should have recognized his medical condition before he went to Fort Knox, KY for his initial entry training (IET); he never realized he was missing a muscle in his chest, and that this would disqualify him from military service.
3. A review of the applicant's service record reveals the following:
 - a. On 26 August 2003, the applicant enlisted into the Regular Army for 3 years; orders immediately sent him to Fort Knox for IET.
 - b. On 15 September 2003, medical authority convened an Entrance Physical Standards Board (EPSBD) to determine if the applicant should be recommended for separation or retention. A DA Form 4707 (EPSBD Proceedings) shows the following:
 - (1) The applicant's chief complaint was listed as, "Costochondritis."
 - (2) Under "History of Present Illness," it states the applicant experienced "right-sided and sternal chest pains with shortness of breath with exertion." The applicant

reported having had similar symptoms prior to entering the Army and following a November 2002 motor vehicle accident.

(3) After conducting a physical examination and various tests, the doctor's diagnosed, "Chronic costochondritis, congenital absence (sic) of right pectoralis muscle."

(4) The EPSBD recommended "the patient meet a medical board for consideration of separation. Member does not meet medical fitness standards for enlistment or induction under the provisions of (paragraph) 2-23(j) (Lungs, chest wall, pleura, and mediastinum), chapter 2 (Physical Standards for Enlistment, Appointment, and Induction), AR (Army Regulation) 40-501 (Standards of Medical Fitness)."

c. On 26 September 2003, the applicant concurred with the board proceedings and requested discharge without delay.

d. On 4 October 2003, the separation authority approved the EPSBD's separation recommendation and directed the applicant's discharge, based on failing to meet procurement medical fitness standards. On 15 October 2003, orders separated the applicant accordingly.

e. The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 1 months and 20 days of his 3-year enlistment contract. The form additionally lists the following:

- Item 11 (Primary Specialty) – "NONE"
- Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) – "NONE"
- Item 14 (Military Education) – "NONE"
- Item 23 (Type of Separation) – "DISCHARGE"
- Item 24 (Character of Service) – "UNCHARACTERIZED"
- Item 25 (Separation Authority) – AR 635-200 (Personnel Separations – Enlisted Personnel), paragraph 5-11 (Separation of Personnel who did not Meet Procurement Medical Fitness Standards)
- Item 26 (Separation Code (SPD)) – "JFW"
- Item 28 (Narrative Reason for Separation) – "FAILED MEDICAL/PHYSICAL PROCUREMENT STANDARDS"

4. AR 635-200, in effect at the time, stated commanders were to separate Soldiers who were not medically qualified under procurement medical fitness standards, as defined in AR 40-501.

(1) Medical authority had to convene proceedings to determine the Soldier's fitness within that Soldier's first 6 months of active duty service; the proceedings were to establish the following:

- medical authority had identified the disqualifying medical condition(s) within 6 months of the Soldier's initial entry on active duty
- the condition(s) would have permanently or temporarily disqualified the Soldier from entry into military service, had they been detected earlier; and
- the medical condition did not disqualify him/her for retention in military service

(2) Effective 1 October 1982, a revision to AR 635-200 mandated that Soldiers who were separated while in an entry-level status (i.e. the first 180 days of continuous active duty service) were to receive an uncharacterized character of service. On a case-by-case basis, the Secretary of the Army, or designee, could direct the issuance of an honorable character of service, when such action was clearly warranted by unusual circumstances that involved the Soldier's personal conduct and/or duty performance.

BOARD DISCUSSION:

1. 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. The Board carefully considered the applicant's request, supporting documents available for review and evidence in the records. The applicant was afforded medical evaluation by the Entrance Physical Standards Board Proceedings, concurred with the findings and requested discharge from the U.S. Army without delay.

2. 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 her character of service to be rated as honorable or otherwise. As a result, there is no basis for granting the applicant's request.

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, USC, 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 635-200, in effect at the time, prescribed policies and procedures for enlisted administrative separations. It provides:

a. An honorable discharge was a separation with honor. The honorable characterization was appropriate when the quality of the Soldier's service generally met the standards of acceptable conduct and duty performance.

b. A general discharge was a separation from the Army under honorable conditions. When authorized, it was issued to a Soldier whose military record was satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Paragraph 3-9 (Uncharacterized Separations). Soldiers separated in an entry-level status receive an uncharacterized character of service. A separation was considered to be entry level when processing was initiated during the Soldier's first 180 days of continuous active duty. The Secretary of the Army was authorized, on a case-by-case basis, to direct the issuance of an honorable character of service when such action was clearly warranted by unusual circumstances involving personal conduct or duty performance.

d. Paragraph 5-11 provided that Soldiers who were not medically qualified under procurement medical fitness standards when accepted for enlistment were to be separated. Medical proceedings were required to be convened within the Soldier's first 6 months of active duty service, and had to establish the following:

- Medical authority identified the disqualifying medical condition(s) within 6 months of the Soldier's initial entrance on active duty
- The condition(s) would have permanently or temporarily disqualified the Soldier from entry into military service, had it been detected earlier; and
- The medical condition did not disqualify him/her for retention in military service; a Soldier disqualified under this provision could request retention on active duty; the separation authority made the final determination.

//NOTHING FOLLOWS//