

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 19 December 2023

DOCKET NUMBER: AR20230004848

APPLICANT REQUESTS: in effect, to change his Separation Program Designator (SPD) code "JFT" and his Reenlistment Eligibility (RE) code "RE-3."

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

- DD Form 149 (Application for Correction of Military Record)
- SF 502 (Narrative Summary), 18 August 1978
- DA Form 3947 (Medical Board Proceedings), 22 August 1978
- Statement of Change of Medical Status, 22 August 1978
- DD Form 214 (Report of Separation from Active Duty), 29 August 1978
- Character reference letters, 10 and 13 January 2023
- Doctor's statement, 30 January 2023
- Medical documents, various dates

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 he is requesting an "upgrade" to his reenlistment code (RE-3), and the separation code (JFT). His request is based on discharge with pre-existing conditions. He was discharged from the military for a medical condition that was pre-existing and was aggravated by service. He also wrote "service connection".

3. A review of the applicant's military record shows the following:

a. On 21 April 1978, a Report of Medical Examination/Treatment shows:

(1) The applicant authorized Westmoreland Hospital to release, to the Armed Forces Examining and Entrance Station a complete transcript of his medical records for purposes of further evaluation of his medical acceptability under military medical fitness standards.

(2) He was hospitalized in Westmoreland Hospital from 24 to 27 June 1976 and diagnosed with "verrucae of anterior urethra." He had surgery which consisted of an "excision of verrucae of anterior urethra" on 25 June 1976.

(3) He was readmitted to Westmoreland Hospital on 5 February 1978 and diagnosed with varucae of urethra. He had another surgery which consisted of fulguration of varucae of urethra on 6 February 1978 and was discharged from the hospital on 12 February 1978. The applicant was last examined in office and was asymptomatic on 6 March 1978.

b. On 27 February and 5 May 1978, SF 88 and 93 show he underwent medical examinations for the purpose of enlisting into the Regular Army and was found to be qualified for enlistment.

c. On 7 August 1978, the applicant enlisted in the Regular Army for 3 years.

d. His record contains medical documents which show he was examined and treated for a medical condition which existed prior to entrance into active military service.

e. On 18 August 1978, SF 502 (Narrative Summary) shows:

(1) The applicant was examined and treated at Moncrief Army Hospital Fort Jackson, SC, for a chief complaint of "warts on penis."

(2) He complained of this symptom which had been a problem for three years. The condition did trouble the applicant prior to entry on active duty. It was treated by a private physician.

(3) See the history stated by the applicant on the enlistment forms SF 93 and 88. "This 21-year-old black male has a history of tumors on penis. He has had surgery in past for these tumors. These tumors had malignant potential. He now has another tumor on his penis. He has been complaining of tenderness, decreased stream and hematuria since coming on active duty."

(4) The applicant was assigned to Fort Jackson as a trainee. His diagnosis was made by a military medical officer in accordance with paragraph 2-3 (Conditions originating prior to active military service), Army Regulation (AR) 635-40 (Physical Evaluation for Retention, Retirement or Separation), and was determined by clinical examination. "The condition was not service aggravated."

(5) The applicant was processed on an outpatient basis. There was a small tender nodule at the posterior aspect of penile shaft, about proximal to the meatus; no hernia, discharge or skin tumor noted.

(6) The applicant was diagnosed with "condyloma acuminatum." The condition existed prior to entrance into active military service (EPTS). It was determined that the applicant was not physically qualified for enlistment in the military service at the time of entry on active duty pursuant to paragraph 2-15o, AR 40-501 (Standards of Medical Fitness). The case was presented to a medical board for evaluation and disposition in accordance with paragraph 5-7, AR 635-200 (Personnel Separations - Enlisted Personnel). The applicant could perform duty as a basic trainee if the unit commander would obtain a waiver for the physical profile (P-3) and the limitations of code F: No assignments to units where definitive medical care is not available.

(7) The applicant was fit for retention under the provisions of Chapter 3, AR 40-501, and the ultimate decision as to retention was at the discretion of the unit commander. The applicant was counseled regarding these proceedings and his legal rights.

f. On 22 August 1978, DA Form 3947 (Medical Board Proceedings) shows the applicant was not present during the proceedings and did not present any views in his own behalf. He was found to be medically fit for further military service in accordance with current medical fitness standards and was diagnosed with condyloma acuminatum. The medical board proceedings also show:

(1) The Board recommended that the applicant be returned to his unit commander for him (the applicant) to elect discharge or request retention.

(2) The findings and recommendations of the Board were approved by the approving authority.

(3) The applicant acknowledged that he had been informed of the approved findings and recommendations of the board and agreed with the board's action. He was advised by an official of the Medical Board Section that he could not be retained in the Army against his will, since it had been determined he was unfit for enlistment. A legal officer was made available to him if he desired legal counsel. He was also counseled regarding Veterans Administration application.

g. His record contained a Statement of Change of Medical Status dated 22 August 1978, wherein, he also acknowledged he underwent a medical examination in the past 180 days. A copy of the SF 88 and 93, prepared within that 180 days to medically clear him for enlistment, was appended and he had reviewed both forms. The medical change(s) in his condition since that time were reoccurring warts and he

understood that this was an EPTS condition. He further realized that this statement, with the appended SF 88 and 93, the medical board proceedings (DA Form 3947) and the Narrative Summary (SF 502) reflects his final medical examination upon his departure from the Army unless his commander approves his request to remain in the Army.

h. On 23 August 1978, Headquarters, U.S. Army Training Center and Fort Jackson published Orders Number 175-389 which assigned the applicant to the Transfer Point for separation processing and discharge with a report date of 29 August 1978.

i. DD Form 214 shows the applicant was discharged from the Army on 29 August 1978. He completed 23 days of net active service this period. The applicant was discharged under the provisions of paragraph 5-7, AR 635-200, by reason of failure to meet procurement medical fitness standards. It also shows in:

- item 9c (Authority and Reason) – paragraph 5-7, AR 635-200, separation program designator (SPD) JFT (Failure to meet procurement medical fitness standards)
- item 10 (Reenlistment Code) – RE-3 (Ineligible for enlistment unless a waiver is granted)

4. The applicant provides the following:

a. Character reference letters dated 10 and 13 January 2023, which state he is a dedicated Christian, role model, and a man of high character. He is also honest and trustworthy.

b. A doctor's statement dated 30 January 2023, wherein, the doctor states, she has personally reviewed his medical history-intake documents, office visits while in basic training and discharge documents. She has also reviewed and have noted the circumstances of his military service, while training in Fort Jackson, SC from 7 to 29 August 1978. The applicant is a patient of the practice since 2021. His diagnosis is condyloma acuminata. She is familiar with his history and has examined the applicant while under her care. The applicant has no other known risk factors that may have exacerbated his condition. After a review of pertinent records, it is her professional opinion that it is highly likely that the applicant's "condition exacerbation" is a direct result of his basic training due to his military service. In her personal experience and in the medical literature, it is known that scraping, scratching or injury can cause bleeding and pain, which the applicant experienced.

c. Medical documents with various dates which show his examinations for enlistment, verucae of anterior urethra, penile tumors/warts, and treatment for his medical conditions while serving on active duty.

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 shows the applicant was discharged from active duty on 29 August 1978 in accordance with paragraph 5-7, AR 635-200, due to failure to meet procurement medical fitness standards. He completed 23 days of active service, and he was assigned Separation Code JFT and Reentry Code 3. By regulation, enlisted Soldiers who are separated under chapter 5-7 of AR 635-200 are assigned Separation Code JFT. This Separation Code had a Reentry Code of 3. Based on the preponderance of the evidence, the Board determined there is neither an error nor an injustice.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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]

[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, 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. Army Regulation (AR) 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.
3. AR 635-5-1 (Personnel Separations - Separation Program Designators), in effect at the time, states that the SPD Code "JFT" applies to separations under the provisions of AR 635-200, paragraph 5-7 (failure to meet procurement medical fitness standards).
4. AR 635-200, paragraph 5-7, in effect at the time, states that individuals who were not medically qualified under procurement medical fitness standards when accepted for initial enlistment will be discharged when medical proceedings, regardless of the date completed, establishes that a medical condition was identified by appropriate military medical authority within 4 months of the member's initial entrance on active duty, which would have permanently disqualified him for entry into the military service had it been detected at that time; and does not disqualify him for retention in the military service under the provisions of chapter 3, AR 40-501.
5. AR 601-210 (Personnel Procurement - Regular Army Enlistment Program) prescribes and provides eligibility criteria, policies, and procedures for enlistment and processing in the Regular Army and USAR Delay Entry Program. It determines Regular Army and Reserve reentry eligibility and provides regulatory guidance for the Reenlistment Eligibility (RE) codes. RE-3 applies to Soldiers who are not qualified for continued Army service, but the disqualification is waivable. They are ineligible unless a waiver is granted.
6. AR 635-40 (Physical Evaluation for Retention, Retirement, or Separation) governs the evaluation of physical fitness of Soldiers who may be unfit to perform their military duties because of physical disability. In pertinent part, the regulation states that according to accepted medical principles, certain abnormalities and residual conditions exist that, when discovered, lead to the conclusion that they must have existed or have started before the individual entered the military service. Examples of these conditions

are scars, fibrosis of the lungs; atrophy following disease of the central or peripheral nervous system; healed fractures; absent, displaced, or resected organs; supernumerary parts; congenital malformations; and similar conditions in which medical authorities are in such consistent and universal agreement as to their cause and time of origin that no additional confirmation is needed to support the conclusion of their existence prior to military service.

7. AR 40-501 (Standards of Medical Fitness), Chapter 2 (Medical Fitness Standards for Appointment, Enlistment, and Induction (Short Title: Procurement Medical Fitness Standards)) sets forth the medical conditions and physical defects which are causes for rejection for military service in peacetime. In pertinent part, paragraph 2-15o (Urinary System) states, the causes for rejection for appointment, enlistment, and induction are other diseases and defects of the urinary system which obviously preclude satisfactory performance of duty, or which require frequent and prolonged treatment.

//NOTHING FOLLOWS//