

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 January 2024

DOCKET NUMBER: AR20230005429

APPLICANT REQUESTS: Reconsideration of her earlier request for a change to her reentry eligibility (RE) code to a more favorable designation and an appearance hearing with the Board.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:  
Self-authored statement, 26 March 2023.

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220004194 on 1 November 2022.
2. The applicant provided a statement containing a new argument that warrants Board consideration at this time. The applicant states she is requesting a reconsideration within the 3 years of her prior review that warrants having her case reconsidered. Her primary contention is a question to the Board asking if they believe it is unjust for someone to lie to have a person discharged.
3. The applicant enlisted in the U.S. Army Reserve under the Delayed Entry Program on 22 August 1983, and entered initial active duty for training on 6 December 1983 for training in military occupational specialty (MOS) 71L (Administrative Specialist).
4. The records show the applicant did not complete training in the MOS 71L and was reassigned, on 3 April 1984, for training in MOS 71G (Patient Administration Specialist). Documentation of these actions are not of record although this information is recorded on the applicant's DA Form 2-1 (Personnel Qualification Record).
5. On 21 May 1984, the applicant was counseled on the recommendation to discharge her for failure to meet minimum standards to complete her training [in the MOS 71G] because of a lack of aptitude or ability resulting in failure in training in a second MOS assignment. The applicant concurred with the counseling on 21 May 1984.

6. A Disposition Form, dated 23 May 1984, with the subject: Relief/Recycle of Enlisted Student from Course of Instruction, shows the applicant was relieved from the 71G course, effective 14 May 1984, due to failure of a crucial retest in medical records.

7. The Academic Brigade Commander concurred with the recommendation and the Director of Training approved the recommendation.

8. The applicant's immediate commander notified the applicant, on 24 May 1984, of the intent to initiate actions to separate the applicant under the provisions of Army Regulation (AR) 635-200 (Personnel Separations), Chapter 11 (Trainee Discharge Program). The specific reason cited for the proposed separation action was that the applicant had failed two MOS producing courses (71L and 71G) and in accordance with AR 612-201 (Processing, Control, and Distribution of Personnel at U.S. Army Reception Stations and Training Centers), those Soldiers who fail the second MOS training assignment would be separated. She was also advised of her administrative rights and options including to submit statements in her own behalf.

9. The applicant acknowledged the proposed separation notification. She waived her administrative rights to have a separation medical examination and to submit any statement on her own behalf.

10. The applicant's immediate commander formally recommended the separation under the provisions of AR 635-200, Chapter 11, on 25 May 1984.

11. On 30 May 1984, the separation authority approved the recommended discharge under AR 635-200, Chapter 11, paragraph 11-3a and directed, because this was an Entry Level Separation, that no discharge certificate be furnished.

12. The applicant was discharged on 5 June 1984. Her DD Form 214 shows she was discharged under the provisions of AR 635-200, paragraph 11-3a. Her narrative reason for separation was for entry level status performance and conduct her, her service characterization is shown as Entry Level Status, her separation code is JGA, and her Reenlistment Code is RE-3. She had 6 months of net active service with no lost time.

13. The applicant's prior request for a change of her RE Code was denied on 1 November 2022 with a determination that evidence presented did 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.

**BOARD DISCUSSION:**

1. The applicant's request for a personal appearance hearing was carefully considered. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant failed two MOS producing courses (71L and 71G) which necessitated her chain of command to initiate separation action against her under the Trainee Discharge Program. She was discharged under chapter 11 of AR 635-200 by reason of entry level status performance and conduct her, and her service characterization is shown as Entry Level Status. Based on the separation authority and the narrative reason for separation, she was assigned separation code JGA. This separation code had a corresponding RE Code of 3. The Board did not find any new evidence that shows the Separation Code and corresponding RE Code are in error or unjust and therefore determined relief is not warranted.

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 to amend the decision of the ABCMR set forth in Docket Number AR20220004194 on 1 November 2022



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. Army Regulation 15-185 (ABCMR) sets forth procedures for processing requests for the correction of military records. Paragraph 2-15a governs requests for reconsideration. This provision of the regulation allows an applicant to request reconsideration of an earlier decision of the ABCMR if the decision has not previously been reconsidered.

a. The applicant must provide new evidence or argument that was not considered at the time of the ABCMR's prior consideration.

b. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 612-201 provides policy for processing and reporting initial entry Soldiers from time of arrival at a U.S. Army Reception Station to completion of advanced individual training. The regulation in effect at the time states in paragraph 3-24, individuals that are unable to complete MOS training will be processed as follows:

a. After the first MOS training failure, training unit commanders will make recommendation for retention in the service or separation.

b. Recommendations for retention of Reserve Components (RC) personnel will be processed through the RC liaison for determination of skills required by the RC unit for which the Soldier is qualified.

c. Those personnel that fail their retraining MOS assignment will be processed for separation from the service.

3. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) prescribes the specific authorities and the reasons for the separation of members from active military service and the SPD codes to be used. The regulation in effect at the time shows that the SPD code of JGA, as shown on the applicant's DD Form 214, is appropriate when the narrative reason for separation is entry level status performance and conduct and the authority for discharge is Army Regulation 635-200, paragraph 11-3.

4. The SPD Code/RE Code Cross Reference Table shows that a Soldier assigned an SPD Code of "JGA" will be assigned an RE Code of 3.

5. Army Regulation 635-200 sets forth the basic authority for the separation of enlisted personnel. Paragraph 11-3 of the regulation in effect at the time provided for the separation of personnel due to unsatisfactory performance or conduct, or both, while in an entry-level status. This provision applied to individuals who had demonstrated they were not qualified for retention because they:

- could not adapt socially or emotionally to military life
- could not meet the minimum standards prescribed for successful completion of training because of lack of aptitude, ability, motivation, or self-discipline.
- demonstrated characteristics not compatible with satisfactory continued service

6. Department of Defense Directive 1332.28 (Discharge Review Procedures and Standards) provides, in pertinent part, that a discharge shall be deemed equitable unless the policies and procedures under which the applicant was discharged differ materially from those currently in effect, provided that the current policies or procedures represent a substantial enhancement of rights and there is substantial doubt that the same result would have obtained under the current standards.

7. Army Regulation 635-200, Chapter 11, at the time of the applicant's separation, directed that the entry for a characterization of service under Chapter 11 was entry-level status. Under the current regulation, at paragraph 11-8, service is to be shown as uncharacterized.

//NOTHING FOLLOWS//