

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 March 2024

DOCKET NUMBER: AR20230005595

APPLICANT REQUESTS:

- an upgrade of her under honorable conditions (General) discharge
- her Separation Program Designator (SPD) code and narrative reason for separation be amended to reflect "Medical Disability"
- restoration of her rank/pay grade to specialist (SPC)/E-4
- correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her military schools and training
- removal of the erroneous Mental Health Evaluation from her Military Health Record and Army Military Human Resource Record (AMHRR)

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DD Form 149 (Application for Correction of Military Record)
- Certificate of Training for successfully completing Basic Combat Training (BCT)
- Airborne Course diploma
- Permanent Orders for award of the Parachutist Badge
- Certification of Completion of Anti-Terrorism Level 1 Awareness Training
- Military medical record documents (46 pages)
- Mental Health Evaluation documents (3 pages)
- DA Form 1059 (Service School Academic Evaluation Report (AER) for Spanish Special Operations Language Training (SOLT))
- DA Form 3947 (Medical Evaluation Board (MEB) Proceedings) and related documents (7 pages)
- DA Form 3349 (Physical Profile)
- Enlisted Record Brief
- American Council on Education (ACE) transcript
- Army Review Boards Agency (ARBA) letter regarding Army Discharge Review Board (ADRB) corrective action
- Department of Veterans Affairs (VA) combined disability rating
- VA disability ratings

FACTS:

1. The applicant did not file within the three-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 her original separation was erroneous and void. She is requesting her original discharge be voided and processed under the provisions of a Physical Evaluation Board (PEB) as previously recommended by an MEB. The mental health evaluation, dated on or about 8 March 2004, contains the social security number and rank of someone else instead of hers. Therefore, its validity is called into question because it was used to demote and discharge her from the Army. Upon reaching two years of service, she would have been advanced to the rank/pay grade of SPC/E-4, on or about 1 May 2005. The VA has rated her as 90 percent (%) disabled for service-connected conditions; therefore, she should have been medically discharged. Additionally, she completed military schools and training that are not reflected on her DD Form 214.
3. The applicant enlisted in the Regular Army on 1 May 2003, for a period of 4 years. Upon completion of BCT and Advanced Individual Training, she was assigned to a unit located at Fort Bragg, NC. She was advanced to the rank/grade of private first class (PFC)/E-3 on 1 May 2003, the highest rank held.
4. On 11 December 2003, the applicant was counseled for failing to report to her place of duty at the proper time. She was advised that misconduct of this kind was considered a violation of Article 92 of the Uniform Code of Military Justice (UCMJ) for disobeying a regulation or lawful order.
5. On 6 January 2004, the applicant accepted summarized nonjudicial punishment (NJP) under the provisions of Article 15, UCMJ for violating Article 91, UCMJ by being insubordinate in conduct toward a noncommissioned officer (NCO) on or about 17 December 2003. Her punishment consisted of extra duty for 14 days.
6. On 11 March 2004, the applicant accepted NJP under the provisions of Article 15, UCMJ for, willfully disobeying a lawful command from a superior commissioned officer on or about 6 February 2004 in violation of Article 90; and for behaving with disrespect toward a superior commissioned officer on or about 6 February 2004, in violation of Article 89. Her punishment consisted of reduction from PFC to private (PV2)/E-2; forfeiture of \$300.00, suspended, to be automatically remitted if not vacated on or before 25 May 2004; extra duty for 14 days; and restriction for 14 days. She appealed the punishment and was allowed to retain the rank of PFC.

7. An AER, dated 16 April 2004, shows the applicant successfully completed Spanish SOLT that was conducted from 17 November 2003 until 16 April 2004 (A period of five months).
8. On 27 May 2004, the applicant was counseled regarding her performance. Her Team Leader noted that she had only been there for 3 weeks, and he had corrected her twice on her attitude for showing a total disregard for rank structure and showing disrespect toward three NCOs. She was advised that continued misconduct would not be tolerated and could result in punishment under the UCMJ and/or administrative separation under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) and of the potential consequences of such a separation.
9. On 25 June 2004, she was counseled for attempting to depart on leave prior to the approved starting date. She was reminded that continued misconduct would not be tolerated and could result in punishment under the UCMJ and/or administrative separation.
10. On 29 July 2004, the applicant was counseled for failing to bring the proper equipment to training and disobeying a direct order from a senior NCO. She was reminded again that continued misconduct would not be tolerated and could result in punishment under the UCMJ and/or administrative separation.
11. On 4 August 2004, the applicant underwent a separation medical examination and was determined to be qualified for service and/or administrative separation.
12. A Standard Form 600 (Chronological Record of Medical Care) shows on 5 August 2004, the applicant underwent a mental status evaluation and was found to be mentally responsible and to possess the mental capacity to understand and participate in the proceedings. She was psychiatrically cleared for any administrative action deemed appropriate by her command. This document shows the applicant's correct name, but a social security number that is not hers.
13. On 11 August 2004, the applicant accepted field grade NJP under the provisions of Article 15, UCMJ for, without authority, going from her appointed place of duty on or about 29 July 2004; willfully disobeying a lawful order from a superior NCO; and treating a superior NCO with contempt on or about 29 July 2004. Her punishment consisted of reduction to private (PV1)/E-1; forfeiture of \$597.00 pay per month for 2 months, suspended, to be automatically remitted if not vacated before 6 October 2004; extra duty for 45 days; restriction for 45 days, suspended, to be automatically remitted if not vacated before 6 October 2004.
14. The applicant's immediate commander informed the applicant that actions were being initiated for the applicant to be administratively separated under the provisions of

Army Regulation 635-200, Chapter 14, Commission of a Serious Offense. The specific reasons cited were the applicant's pattern of misconduct by leaving her appointed place of duty, being disrespectful toward a superior NCO, and disobeying a direct order from a superior NCO. The commander advised the applicant that she was being recommended for a general, under honorable conditions discharge. The applicant acknowledged receipt on 15 November 2004.

15. The applicant's immediate commander formally recommended that she be separated under the provisions of Army Regulation 635-200, paragraph 14-12b and 14-12c, Commission of a Serious Offense, with a general discharge. The applicant's battalion commander concurred with the recommendation.

16. A DA Form 3947, dated 22 December 2004, shows an MEB was conducted to determine whether the applicant met Army medical fitness standards for continued service in accordance with Army Regulation 40-501 (Standards of Medical Fitness). Her chief complaint was constant knee pain. The MEB consults included Orthopedics, Psychiatry, and Physical Therapy range of motion testing. It was concluded that the applicant failed to meet retention criteria in accordance with Army Regulation 40-501, paragraph 3-41e(1). As a result, it was recommended that she be referred to the PEB for further adjudication and that her duties be limited as specified on the attached DA Form 3349.

17. A DA Form 3349, dated 7 January 2005, shows the applicant was assigned a permanent physical profile of "3" for her lower extremities due to a diagnosis of chronic bilateral knee pain and bilateral tibial stress reactions.

18. The applicant was counseled for failing to report to her appointed place of duty at the appropriate time on two separate occasions.

19. A DA Form 3349, dated 16 February 2005, shows the applicant was assigned a temporary physical profile due to pregnancy with an estimated delivery date of 23 October 2005.

20. On 14 March 2005, the applicant's group commander recommended approval of her separation under the provisions of Army Regulation 635-200, paragraph 14-12b, Pattern of Misconduct, and paragraph 14-12c, Commission of a Serious Offense.

21. On 24 March 2005, the Commanding General (CG), Headquarters, U.S. Army Civil Affairs and Psychological Operations Command (Airborne), Fort Bragg, NC, reviewed the applicant's administrative separation proceedings and her MEB results and found the evidence in her case warranted processing under administrative separation provisions. He recommended approval of her separation under the provisions of Army

Regulation 635-200, Chapter 14, Pattern of Misconduct and Commission of a Serious Offense, with a general discharge.

22. On 18 April 2005, the CG, XVIII Airborne Corps, Fort Bragg, NC reviewed the applicant's MEB proceedings and her administrative separation action and found that the evidence in her case warranted processing under administrative separation provisions. He approved her separation under the provisions of Army Regulation 635-200, Chapter 14, and directed she be issued a under honorable conditions (general) discharge.

23. Orders and the applicant's DD Form 214 show she was discharged in the rank/grade of PV1/E-1 on 5 May 2005, under the provisions of Army Regulation 635-200, paragraph 14-12c(1), by reason of misconduct, with Separation Program Designator (SPD) code "JKF" and Reentry Eligibility (RE) code "4." Her service was characterized as Under Honorable Conditions (General). She was credited with completion of 2 years and 5 days of net active service this period. She had no time lost. She did not complete her first full term of service. Her DD Form 214 shows in:

a. Block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) she was awarded or authorized the National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, and Parachutist Badge.

b. Block 14 (Military Education) shows she completed the 8-week Psychological Operations Course in 2003, and the 1-week Light Vehicle Training Course in 2003. There is no mention of the applicant's completion of the Airborne Course or the Spanish SOLT Course (see Administrative Notes).

24. The applicant petitioned the ADRB for an upgrade of her discharge. On 4 March 2009, the applicant was informed that after careful review of her application, military records, and all other available evidence, the ADRB had determined that she was properly and equitably discharged and denied her request. The Record of Proceedings shows the ADRB noted the applicant's RE code of "4" on her DD Form 214 was not in compliance with regulatory guidance and recommended that it be administratively corrected to properly show RE code "3."

25. On 23 October 2009, the applicant was informed that her DD Form 214 was corrected to show the authority for her separation as Army Regulation 635-200, paragraph 14-12b with SPD code "JKA" and RE code "RE-3." Accordingly, her original DD Form 214 was voided, and she was provided a revised DD Form 214 with the appropriate entries. The entries in item 13 and 14 of her revised DD Form 214 were unchanged.

26. The applicant provides the following documents:

- Certificate of Training for successfully completing BCT
- Diploma that shows she completed the 3-week Airborne Course on 24 October 2003
- Certificate that shows she completed Anti-Terrorism Level 1 Awareness Training on 16 December 2003
- Military medical record documents that show the treatment she received, primarily for her knees, from July 2003 until August 2004
- ACE transcript that provides descriptions of the military training she received and recommends how much civilian education equivalency she should be granted
- Letter showing the VA awarded her a combined rating of 90% for service-connected disability
- Letter showing a list of the individual disability ratings the VA has awarded her

27. In reaching its determination, the Board can consider the applicant's petition, arguments and assertions, and service record in accordance with the published equity, injustice, or clemency guidance.

28. MEDICAL REVIEW:

a. The Army Review Boards Agency (ARBA) Medical Advisor was asked to review this case. Documentation reviewed included the applicant's ABCMR application and accompanying documentation, the military electronic medical record (AHLTA), the VA electronic medical record (JLV), the electronic Physical Evaluation Board (ePEB), the Medical Electronic Data Care History and Readiness Tracking (MEDCHART) application, and the Interactive Personnel Electronic Records Management System (iPERMS). The ARBA Medical Advisor made the following findings and recommendations:

b. The applicant is applying to the ABCMR requesting an upgrade of her 5 May 2005 discharge characterized as under honorable conditions (general) and re-referral to the Disability Evaluation System.

c. The Record of Proceedings details the applicant's military service and the circumstances of the case. The applicant's DD 214 for the period of Service under consideration shows she entered the regular Army on 1 May 2003 and was discharged under honorable conditions (general) on 5 May 2005 under the separation authority provided by paragraph 14-12b of AR 635-200, Personnel Separations – Enlisted Personnel (1 November 2000): Pattern of Misconduct. It shows no periods of Service in a hazardous duty pay area.

d. On 6 January 2004, the applicant received an Article 15 for insubordinate conduct toward a noncommissioned officer. She received a second Article 15 on 24 February for willfully disobeying the commands of a commissioned officer and showing disrespect toward a commissioned officer. She then received a series of negative counseling statements for a number of failures. On 6 August 2004, she received an Article 15 for failure to repair and two specifications of failure to obey the order of a noncommissioned officer.

e. She underwent a mental status evaluation on 5 August 2004 for misconduct. The provider documented a normal examination noting the applicant had the mental capacity to understand and participate in the proceedings, was mentally responsible, and met the medical retention standards prescribed in Chapter 3, AR 40-501, Standards of Medical Fitness. The provider diagnosed the applicant with "occupational problems and went on to state:

"There is no evidence of any psychiatric condition which would warrant disposition through medical channels. This SM [Service Member] is psychiatrically cleared for any administrative action deemed appropriate by his/her command."

f. Her company commander subsequently informed the applicant of his initiation of separation action under paragraph 14-12c of AR 635-200: Commission of a Serious Offense:

"The basis for my proposed action is that you, without authority, left your appointed place of duty, to wit: Battalion ESAT training at the SOSCOM Mockup, were disrespectful towards, and disobeyed a direct order from a Superior Noncommissioned Officer, for which you received a Field Grade Article 15 on 06 August 2004.

You have repeatedly shown disrespect toward your superiors and have acted with total disregard for the rank structure while assigned to the 9th Psychological Operations Battalion (Airborne) as evidenced by five DA Form 4856 Counseling Statements from 11 December 2003 to 29 July 2004 that specifically address your flagrant acts of disrespect toward Commissioned and Noncommissioned Officers.

Additionally, while attending the MOS 37F Advanced Individual Training at Fort Bragg, North Carolina, you received a Field Grade Article 15 on 23 February 2004 for willfully disobeying and being disrespectful toward a Superior Commissioned Officer. You also received a Summarized Article 15 on 06 January 2004 for being insubordinate toward a Noncommissioned Officer. These actions call into question your ability to conform your behavior and live in

accordance with established Army Values, professional standards of conduct, and the Uniform Code of Military Justice.”

g. On 22 December 2004, a medical evaluation board (MEB) determined the applicants “Chronic bilateral retropatellar pain syndrome” and Chronic bilateral tibial stress reactions” failed the medical retention standards in chapter 3 of AR 40-501, Standards of Medical Fitness. She was also diagnosed with “Adjustment disorder with mixed anxiety and depressed mood, not disqualifying. On 7 January 2005, the applicant agreed with the Board’s findings and recommendation and ...

h. The applicant received two additional Developmental Counselings in February 2005 for failures to repair.

i. The applicant’s misconduct, multiple UCMJ violations, and pending separation under paragraph 14-12 of AR 635-200 made her ineligible for referral to the PEB. Paragraph E3.P2.4.3 of enclosure 3 to part 2 of Department of Defense Instruction 1332.38 Subject: Physical Disability Evaluation (14 November 1996) states:

“Except as provided under Service regulations, the member is pending separation under provisions that authorize a characterization of service of Under Other Than Honorable (UOTH). This restriction is based on the provisions under which the member is being separated and not on the actual characterization the member receives. For example, because separation for misconduct authorizes a UOTH, a member who is being separated for misconduct with a general characterization is ineligible for referral into the DES except as provided under the regulations of the respective Service.”

j. Paragraph 4-1a of AR 635-40, Physical Evaluation for Retention, Retirement, or Separation (1 September 1990) states:

“Uniform Code of Military Justice (UCMJ) action. The case of a soldier charged with an offense under the UCMJ or who is under investigation for an offense chargeable under the UCMJ which could result in dismissal or punitive discharge, may not be referred for, or continue, disability processing unless -

(1) The investigation ends without charges.

(2) The officer exercising proper court-martial jurisdiction dismisses the charges:

(3) The officer exercising proper court-martial jurisdiction refers the charge for trial to a court-martial that cannot adjudge such sentence.”

k. Paragraph 4-3a and 4-3b of AR 635-40:

“a. Except as provided below, an enlisted soldier may not be referred for, or continue, physical disability processing when action has been started under any regulatory provision which authorizes a characterization, of service of under, other than honorable, conditions.”

b. If the case comes within the limitations above, the commander exercising, general court-martial jurisdiction over the soldier may abate the administrative separation. This authority may not be delegated. A copy of the decision, signed by the general court-martial convening authority (GCMCA), must be forwarded with the disability case file to the PEB. A case file may be referred in this way if the GCMCA finds the following:

(1) The disability is the cause, or a substantial contributing cause, of the misconduct that might result in a discharge under other than honorable conditions.

(2) Other circumstances warrant disability processing instead of alternate administrative separation.”

I. On 24 March 2005, the Commanding General of the United States Army Civil Affairs and Psychological Operation Command (Airborne) recommended the applicant be involuntarily administratively separated for misconduct:

“I have reviewed the enclosed administrative separation proceedings and medical evaluation board results pertaining to PVT [Applicant], XXX-XX-XXXX, HSC, 9th PSYOP Battalion, fort Bragg, North Carolina 28310 ...

I FIND that the evidence in this case warrants processing PVT [Applicant's case under administrative separation provisions and recommend her discharge be approved and the soldier receive a General, under honorable conditions, discharge.”

m. On 18 April 2005, the Commanding General of XVIII Airborne Coup and Fort Bragg directed she be so discharged:

“1. I have reviewed the medical evaluation board proceedings and the separation action being processed under the provisions of AR 635-200, Chapter 14, Paragraph 14-12c, Commission of a Serious Offense, pertaining to PVT [Applicant], XXX-XX-XXXX, Headquarters Support Company, 9th Psychological Operations Battalion (Airborne), 4th Psychological Operations Group (Airborne), Fort Bragg, North Carolina 28310.

2. I find that the evidence in this case warrants processing of PVT [Applicant]'s case under administrative separation proceedings. Therefore, I direct that PVT [applicant] be separated from the service with a General, Under Honorable Conditions, Discharge.”

n. There are no behavioral health related encounters in AHLTA. JLV shows she has a 50% VA service-connected disability rating for “Mood Disorder.”

Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? YES: Mood Disorder

(2) Did the condition exist or experience occur during military service? YES

(3) Does the condition or experience actually excuse or mitigate the discharge? YES: As this condition is associated with difficulty with authority figures and avoidant behaviors, it could mitigate her multiple violations of disobeying the orders of superior commissioned officers, disobeying the orders of superior noncommissioned officers, disrespect, and failures to repair for which she was administratively separated. In the event the Board fully mitigates her misconduct and multiple UCMJ violations, her case would be eligible for referral to DES.

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 request, supporting documents, evidence in the records, and published DoD guidance for liberal consideration of discharge upgrade requests.

2. The Board considered the medical advisor’s review and the majority determined based on a preponderance of the evidence, her supporting documentation, and the reasons for discharge that the characterization of service the applicant received upon separation was not in error or unjust. However, a minority member voted to grant relief based on the medical advisor’s review indicating her behavior could have been mitigated.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Other than the corrections addressed in the Administrative Note below, 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 otherwise 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.

ADMINISTRATIVE NOTE:

A review of the applicant's record shows his DD Form 214, for the period ending 5 May 2005, is missing resident military training courses she completed that were in excess of at least 40 hours or 1 week in duration. As a result, amend the DD Form 214 by adding in item 14 (Military Education):

- AIRBORNE COURSE 3 WEEKS 2003
- SPANISH SPECIAL OPERATIONS LANGUAGE TRAINING COURSE 5 WEEKS 2004

REFERENCES:

1. Title 10, USC, Section 1552(b), provides that applications for correction of military records must be filed within three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Title 10, USC, Section 1556, provides the Secretary of the Army shall ensure that an applicant seeking corrective action by ARBA is provided a copy of all correspondence and communications, including summaries of verbal communications, with any agencies or persons external to agency or board, or a member of the staff of the agency or Board, that directly pertains to or has material effect on the applicant's case, except as authorized by statute.
3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides 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. It is not an investigative body. The ABCMR may, in its discretion, hold a hearing.
4. Army Regulation 635-200 sets forth the basic authority for the separation of enlisted personnel.
 - a. Paragraph 1-33 (Disposition through medical channels) provides:
 - (1) Except in separation actions under chapter 10 and as provided in para 1–33b, disposition through medical channels takes precedence over administrative separation processing.
 - (2) When the medical treatment facility (MTF) commander or attending medical officer determines that a Soldier being processed for administrative separation under chapters 7, 14, or 15, does not meet the medical fitness standards for retention (see Army Regulation 40–501, chapter 3, he/she will refer the Soldier to a MEB in accordance with Army Regulation 40–400. The administrative separation proceedings will continue, but final action by the separation authority will not be taken, pending the results of MEB.
 - (a) If the MEB findings indicate that referral of the case to a physical evaluation board (PEB) is warranted for disability processing under the provisions of Army Regulation 635–40, the MTF commander will furnish copies of the approved MEB proceedings to the Soldier's General Court-Martial Convening Authority (GCMCA) and

unit commander. The GCMCA may direct, in writing, that the Soldier be processed through the physical disability system when action under the UCMJ has not been initiated, and one of the following has been determined:

- The Soldier's medical condition is the direct or substantial contributing cause of the conduct that led to the recommendation for administrative elimination
- Other circumstances of the individual case warrant disability processing instead of further processing for administrative separation.

(b) The authority of the GCMCA to determine whether a case is to be processed through medical disability channels or under administrative separation provisions will not be delegated.

(3) Disability processing is inappropriate if the conditions in (2)(a) do not apply, if UCMJ action has been initiated, or if the Soldier has been medically diagnosed as drug dependent. (See paragraph 14–12c.) Accordingly, disability processing is inappropriate in separation actions under chapter 10.

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 3-7b states a general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

d. Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions (a pattern of misconduct consisting solely of minor military disciplinary infractions), a pattern of misconduct (consisting of discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline). Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter; however, the separation authority may direct a general discharge if merited by the Soldier's overall record.

5. Army Regulation 635-5-1 (SPD Codes) implements the specific authorities and reasons for separating Soldiers from active duty. It also prescribes when to enter SPD codes on the DD Form 214.

a. Paragraph 2-1 provides that SPD codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The primary purpose of SPD codes is to provide statistical accounting of reasons for separation. They are intended exclusively for the internal use of Department of Defense and the Military Services to assist in the collection and analysis of separation data. This analysis may, in turn, influence changes in separation policy. SPD codes are not intended to stigmatize an individual in any manner.

b. Table 2-3 provides the SPDs and narrative reasons for separation that are applicable to enlisted personnel. It shows, in part, SPD JKK is the appropriate code to assign to an enlisted Soldier who is involuntarily separated under the provisions of Army Regulation 635-200, Chapter 14-12c(2), due to Misconduct (Drug Abuse). JFF is the appropriate SPD to assign to enlisted Soldiers who are voluntarily discharged under Secretarial authority. Additionally, the SPD/RE Code Cross Reference Table established RE code "4" as the proper reentry code to assign to Soldiers separated under this authority and for this reason.

6. Army Regulation 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army, U.S. Army Reserve, and Army National Guard. Table 3-1 provides a list of RE codes.

- RE code "1" applies to Soldiers completing their term of active service, who are considered qualified for enlistment if all other criteria are met
- RE code "2" is no longer in use but applied to Soldiers separated for the convenience of the government, when reenlistment is not contemplated, who are fully qualified for enlistment/reenlistment
- RE code "3" applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, whose disqualification is waivable – they are ineligible unless a waiver is granted
- RE code "4" applies to Soldiers separated from last period of service with a non-waivable disqualification

7. Army Regulation 600-8-104 (AMHRR Management) prescribes Army policy for the creation, utilization, administration, maintenance, and disposition of the AMHRR. It states the purpose of the AMHRR is to preserve permanent documents pertaining to enlistment, appointment, duty stations, assignments, training, qualifications, performance, awards, medals, disciplinary actions, insurance, emergency data, separation, retirement, casualty, administrative remarks, and any other personnel actions. This regulation and the USAHRC website provide a listing of documents authorized for filing and state to file letters of reprimand, censure, or admonition in the performance folder unless directed otherwise by the DASEB. Folders and documents

previously authorized for filing in any part of the AMHRR will remain in the AMHRR. The AMHRR is an administrative record as well as the official permanent record of military Service belonging to a Soldier. The AMHRR is the historical and authoritative source for authentication of veteran or Service-related benefits, entitlements, and services.

8. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparation of the DD Form 214. It stated the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form is complete and accurate. Chapter 2 contains specific guidance for preparation of the DD Form 214. It states for: Block 14: Military Education. List all formal, in-service (full time attendance) training courses successfully completed during the period of service covered by the DD Form 214 of at least 1 week or 40 hours duration. Include course title, length in weeks, and year completed. This information is to assist the Soldier in job placement and counseling; therefore, do not list training courses for combat skills. When in doubt, refer to the American Council of Education's Guide to the Evaluation of Educational Experiences in the Armed Services for commonly accepted course titles to determine its usefulness to the Soldier after transitioning from the Army. Acceptable source documents include the enlisted record brief, DA Form 1059 (Service School Academic Evaluation Report), or other military issued certificate of completion with from and through dates or number of weeks.

9. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards (DRB) and Service Boards for Correction of Military/Navy Records (BCM/NR) regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, Boards shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//