

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2024

DOCKET NUMBER: AR20230006401

APPLICANT REQUESTS: Reconsideration of his previous request for correction of his National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) to show:

- the characterization of his service as "Honorable" rather than "Uncharacterized"
- the narrative reason for his separation was due to medical disability rather than "Pre-IADT [Initial Active Duty Training] Discharge Program"

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD:

DD Form 293 (Application for the review of Discharge from the Armed Forces of the United States)

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 AR20170018050 on 15 January 2021.

2. The applicant states, in effect, his NGB Form 22 shows his service as uncharacterized and this is the primary cause for his denial for Department of Veterans Affairs (VA) home loan benefits.

a. While attending basic combat training (BCT) at Fort Jackson, SC, in 2011, he sustained injuries to both of his feet as a result of being issued footwear that were too small and carrying the rucksack of another Soldier in addition to his own, during a 15-mile march. He also suffered difficulty due to remaining in a constant state of oxygen depravity following training in the gas chamber. His breathing difficulty was compounded by his exposure to a different type of pollen in SC. He was reluctant to seek medical attention for his maladies because a drill sergeant had encouraged a distrust and disdain for recruits who sought to do so. When he did finally receive treatment from the medical staff at Fort Jackson, he was diagnosed with an acute case of bronchitis and compression arthralgia of the foot and ankle. As a result, he was

issued a profile that restricted the type of footwear he could wear and limited his physical activity.

a. Upon completion of BCT, he returned to his District of Columbia Army National Guard (DCARNG) unit. Since he had enlisted in the ARNG Officer Candidate program, his military occupational specialty (MOS) was 09S. This meant he was supposed to be sent to the next available Officer Candidate School (OCS) course. For reasons beyond his control, this did not happen, and his unit bounced him around from one assignment to another. He now realizes that he should have put more effort into his career and getting scheduled for a class, but by the time it occurred to him it was too late, and he missed the 24-month window for him to complete OCS.

b. He was given the option to either reenlist under a traditional MOS or to continue attending drills with a medical profile until the 24-months expired. In February 2013, he was told to stop attending drills. He expected to receive some kind of documentation stating he was discharged from the DCARNG, but he never received an NGB Form 22 or any other correspondence until he took it upon himself to visit the ARNG and request closure. His NGB Form 22 was not produced until 4 years after his discharge.

c. As his contract stated, two failed Army Performance Physical Fitness Tests (APFT) within a 1 year period is justification for administrative separation. Due to his ailments, he could not meet the physical requirements to complete OCS. Under no circumstances does he consider himself a quitter. He endured humiliation and pain to honor his commitment to the Army and himself. He defecated on himself among his peers, dropped from a bunkbed with plantar fasciatus for weeks, suffered through humiliation and shame for his condition and always tried his best. He humbly asks the Board to consider changing his discharge to reflect injuries he sustained and still suffers from by changing the characterization of his service to honorable.

3. The applicant underwent a pre-enlistment medical examination on 18 March 2011, and it was noted that he had mild pes planus (flat feet), asymptomatic. Ultimately, he was found to be qualified for enlistment.

4. On 28 March 2011, the applicant enlisted in the DCARNG for a period of 8 years in the rank/paygrade of specialist (SPC)/E-4 under the parameters of the Commissioned Officer Candidate Enlistment Option with a Split Training Option for Initial Entry Training (IET) which provided he must enter on IADT to undergo the BCT. Upon completion of BCT, he would be released from active duty (REFRAD) and then immediately commence training with his assigned ARNG unit until the next OCS course became available. He would again be required to enter IADT to successfully complete OCS resulting in qualification as a commissioned officer. If for any reason he was unable to successfully complete AIT during the period for which he was ordered on IADT, he agreed to:

- a. Remain on IADT for such additional period as was required to become qualified in his selected MOS, or
- b. Accept training in an alternate MOS, if offered, and remain on IADT for such additional period as may be required to complete such training and become qualified in the alternate MOS.
- c. He understood current provisions of law would not satisfy his military service obligation unless he completed 8-years of satisfactory service as a member of the ARNG and Reserve of the Army, and, during such service, complete 12 consecutive weeks of active duty for training with an Armed Force.

5. Orders 1103001, issued by Department of Defense (DoD), Military Entrance Processing Station (MEPS), Fort Meade, MD on 6 April 2011, show the applicant was ordered to IADT effective 13 April 2011 for the purpose of completing BCT at Fort Jackson, SC, with a reporting date of 13 April 2011. He was attached to Recruiting and Retention Battalion, DCARNG effective 1 May 2011 until completion of IET.

6. On 5 May 2011, the applicant sought medical attention at the MACH [Moncrief Army Community Hospital] for bilateral foot/heel pain. He was in his third week of BCT and reported experiencing pain for the past 2 to 3 weeks. He denied recent trauma or a history of significant injury prior to entering military service. The pain increased with marching, running, and jumping; and declined with rest. For short-term goals: he was educated on overuse heel and Achilles pain, told how to stretch, and to limit the amount of weight he carried. The long-term goal was for him to complete all physical requirements to graduate BCT as scheduled. He was diagnosed with Compression Arthralgia -ankle/foot. A DA Form 2173 (Statement of Medical Examination and Duty Status) shows the applicant stated he developed this injury to both feet due to physical training at Fort Jackson, SC. The injury was determined to have occurred in the line of duty (LOD) while serving on active duty.

7. On 9 May 2011, the applicant sought medical attention at a Troop Medical Clinic for difficulty breathing. He reported going through CBN [Chemical, Biological, and Nuclear] (gas chamber) training two weeks prior and experiencing a mild cold and allergies ever since then. He was diagnosed with acute bronchitis and allergic rhinitis due to pollen. He was given a vaccine and prescribed medication and returned to duty. The conditions were determined to have occurred in the LOD while serving on active duty.

8. He was released from attachment to Recruiting and Retention Battalion, DCARNG effective 14 August 2011.

9. On 5 May 2012, an administrative flag was imposed upon the applicant to prevent him from receiving favorable personnel actions as a result of him failing an APFT.

10. The applicant was voluntarily transferred to another detachment effective 27 June 2012 based upon his request.

11. The applicant was ordered to active duty effective 4 September 2012 for the purpose of completion of IET.

12. The specific facts and circumstances surrounding the applicant's separation are not available for review. However, Orders 092-004, issued by the Joint Force Headquarters, District of Columbia National Guard, Washington, DC, on 2 April 2013, show the applicant was discharged from the ARNG and as a Reserve of the Army effective 29 March 2013. His type of discharge is shown as "Uncharacterized." Under the provisions of National Guard Regulation (NGR) 600-200 (Enlisted Personnel Management System), paragraph 6-35d(4), with Reentry Eligibility code "3."

13. The applicant's NGB Form 22 shows he was discharged accordingly. The authority for his separation was NGR 600-200, paragraph 6-35d(4)n and the narrative reason was Pre-IADT Discharge Program. He was credited with 2 years and 2 days of net service this period. His character of service is shown as "Uncharacterized." His MOS is shown as 09B (Trainee) (he did not complete initial entry training and was not awarded an MOS).

14. The applicant petitioned the ABCMR for correction of his character of service, narrative reason for separation, and the spelling of his middle name. The ABCMR granted partial relief by recommending to the ARNG that his middle name be corrected in all records but denied the remainder of his request. The applicant was informed of these decisions on 17 May 2021.

15. By regulation, IET is mandatory training each Army Soldier must complete upon initial entry in the service to qualify in a military specialty or branch. Regardless of time in service, ARNG and U.S. Army Reserve (USAR) Soldiers are considered to be in entry level status until completion of IADT.

16. The ABCMR is not authorized to grant requests for upgrade of discharges solely for the purpose of making the applicant eligible for Veterans' benefits; however, 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.

17. 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, the Army Aeromedical Resource Office (AERO), and the Interactive Personnel Electronic Records Management System (iPERMS). The ARBA Medical Advisor made the following findings and recommendations:

b. The applicant has again applied to the ABCMR requesting the reason for his discharge be modified to reflect injuries incurred during basic training. On his application, he states that a combination of injuries during basic combat training followed by a series of errors by his leadership were the causes for his involuntary separation“

“ALCON, My NGB-22 characterizes my discharge as “uncharacterized,” this is the primary cause of my denial for VA home loan benefits. While my injuries led to my discharge I humbly ask that the board would find reason to allow my NGB-22 to reflect an honorable discharge to allow me to access one of the most powerful benefits offered to vets, a home loan back by the veterans administration ...

My decline was never more evident when one day while we were cleaning up around the barracks, I was so weak that I couldn't do anything but sit on the ground with my legs laying straight in front of me while using the building to hold myself up. The medical staff at Fort Jackson diagnosed me with an acute case of bronchitis and compression arthralgia of the foot and ankle. I was given a medical profile containing the following phrases : -NO RUNNING -SOFT SHOES ONLY -CHECK IF BOOTS ARE TOO SMALL (ESPECIALLY LEFT FOOT) -ICE daily -WEAR BRACE -MARCH WITH 0 LB RUCK Looking back my stint in BCT was one long extended episode of intense pain and oxygen deprivation ...

By the time I put together my application packet for OCS myself it was too late. I languished for weeks while leadership tried to figure out what to do with me. In the meantime, the miracle steroid shot wore off and I began the same physical decline now at work and home. I missed the window for what should have been my OCS class when I returned from boot camp costing me almost a year in my 24 months to get OCS done.”

c. The Record of Proceedings details the applicant's military service and the circumstances of the case. The applicant enlisted in the Army National Guard on as an E04 with an 8-year service obligation on 28 March 2011. He received an uncharacterized discharge on 29 March 2013 under the provisions of paragraph 6-35d(4) of NGR 600-200, Enlisted Personnel Management (31 July 2009): “Failure to attend IET (phase I or phase II) within 24 months.”

d. This request was previously denied in by the ABCMR on 15 January 2021 (AR20170018050). Rather than repeat their findings here, the board is referred to the record of proceedings and medical advisory opinion for that case. This review will concentrate on the new evidence submitted by the applicant.

e. Other than the statement submitted in the ACTS online application, no new evidence was submitted with this application.

f. The applicant's pre-entrance Report of Medical History and Report on Medical Examination show he had asymptomatic mild pes planus (flat feet) but was without medical concerns or conditions.

g. He reported to basic training on 13 April 2011. He was seen for bilateral Achilles tendon pain on 5 May 2011, diagnosed with an overuse injury, and treated conservatively. He was seen and treated for acute bronchitis on 9 May 2011. Both conditions appear to have been minor and/or resolved as the applicant went on to pass the required final Army Physical Fitness Test and graduate basic training on 24 June 2011.

h. On 5 May 2012, the applicant was flagged by his unit for an APFT Failure.

i. There is no evidence the applicant completed the required advanced individual training (AIT) within 24 months of entering the Army National Guard. Furthermore, there is no evidence the applicant had a service-incurred medical condition which contributed to his APFT failure or failure to attend AIT; or that would have failed the medical retention standards of chapter 3, AR 40-501, Standards of Medical Fitness, and been a cause for referral to the DES prior to his discharge. Finally, there is no evidence that any medical condition prevented the applicant from being able to reasonably perform the duties of his office, grade, rank, or rating prior to his discharge.

j. It remains the opinion of the Agency Medical Advisor that neither a modification of his reason for discharge nor a referral of his case to the Disability Evaluation System is warranted.

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 enlisted in the ARNG as a SPC/E-4 with an 8-year service obligation on 28 March 2011. He was discharged and received an

uncharacterized discharge on 29 March 2013 under NGR 600-200, for failure to attend IET (phase I or phase II) within 24 months. The Board reviewed and agreed with the medical reviewer's finding no evidence the applicant had a service-incurred medical condition which contributed to his APFT failure or failure to attend AIT; or that would have failed the medical retention standards of chapter 3, AR 40-501, Standards of Medical Fitness, and been a cause for referral to the DES prior to his discharge. There is also no evidence that any medical condition prevented the applicant from being able to reasonably perform the duties of his office, grade, rank, or rating prior to his discharge. As a result, the Board determined that neither a change to his reason for discharge or character of service nor a referral of his case to the Disability Evaluation System is 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 AR20170018050 on 15 January 2021.

[Redacted Signature]

[Redacted Name]

[Redacted Title]

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 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.
2. 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.
3. Army Regulation 135-91 (Service Obligations, Methods of Fulfillment, Participation Requirements and Enforcement Procedures) provides guidance governing absences from Ready Reserve training for enlisted personnel. Paragraph 3-4 provides that Soldiers enlisted in the Alternate Training Program are authorized and required to attend inactive duty training (IDT) in a pay status on completion of Phase 1 (BCT). At the discretion of the unit commander, the Soldier may attend Annual between BCT and Phase 2 (AIT).
4. Army Regulation 135-178 (Reserve Component – Enlisted Separations), establishes policies, standards, and procedures governing the administrative separation of certain enlisted Soldiers of the ARNG of the United States (ARNGUS) and the USAR. In pertinent part, this regulation stipulates that IET is mandatory training each Army Soldier must complete upon initial entry in the service to qualify in a military specialty or branch. This training is required by law for deployability on land outside the continental limits of the United States in accordance with Title 10, USC, Chapter 671. IET encompasses the completion of basic training and specialty or branch qualification while serving on active duty or active duty for training. For ARNG and USAR Soldiers it includes completion of initial active duty for training, the officer basic course, and the warrant officer basic course.
 - a. Paragraph 2-9a provides that an honorable characterization of service is appropriate when the quality of the Soldier'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.
 - b. Paragraph 2-9b provides that a general (under honorable conditions) characterization of service is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

c. Paragraph 2-9c provides that service may be characterized as UOTHC when discharge is for misconduct, fraudulent entry, unsatisfactory participation, or security reasons.

d. Paragraph 2-11 provides that. Service will be described as uncharacterized if separation processing is initiated while a Soldier is in an entry level status.

5. NGR 600-200 provides for the management of ARNG enlisted personnel. Chapter 8 of this regulation sets the policies, standards, and procedures for the separation of enlisted Soldiers from the ARNG. It states, in pertinent part, that the separation of a Soldier from the ARNG is a function of State military authorities in accordance with State laws and regulations. Paragraph 8-26n, stipulates that Soldiers who fail to attend IET phase 1 or 2 within 24 months will be separated.

//NOTHING FOLLOWS//