

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 February 2024

DOCKET NUMBER: AR20230006474

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in Item 27 (Reentry Code (RE)) an RE Code that will allow her to enlist.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 7 May 2019
- Social Security Card

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 she received an honorable discharge, but the RE-4 code prevents her from further enlistment opportunities. She believes she was not educated on her right to appeal or submit a request for corrections.
3. The applicant provides her social security card, which shows her name and social security number authenticated with her signature.
4. A review of the applicant's service records show:
  - a. She enlisted in the Regular Army on 22 August 2016.
  - b. A DA Form 8003 (Command Referral for a Substance Abuse Disorder (SUD) Evaluation) shows on 1 December 2018, the applicant was referred to the Substance Use Disorder Clinical Care (SUDCC) for drunk and disorderly conduct.
  - c. Two DA Forms 3822 (Report of Mental Status Evaluation) noted the applicant had severe alcohol use disorder. She failed treatment through her inability or refusal to

participate in, cooperate in, or successfully complete mandatory substance abuse disorder treatment. The SUD treatment provided recommended separation under the provisions of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), Chapter 9.

d. The service record includes the applicant's medical evaluations, for the purpose of administrative separation which indicated she was generally in good health. The applicant was marked qualified for service:

- DD Form 2807-1 (Report of Medical History), 17 January 2019
- DD Form 2808 (Report of Medical Examination), 8 February 2019

e. On 1 April 2019, the applicant's immediate commander notified the applicant of his intent to separate her under the provisions of AR 635-200, Chapter 9, for alcohol or other drug abuse rehabilitation failure. The reason for his proposed action was for her failure of the SUDCC program on 12 January 2019, after she was driving under the influence. The applicant acknowledged receipt on 10 April 2019.

f. On 10 April 2019, after waiving consultation with legal counsel, she acknowledged:

- the rights available to her and the effect of waiving said rights
- she may encounter substantial prejudice in civilian life if less than honorable discharge was issued to her
- she may be ineligible for many or all benefits as a Veteran under both Federal and State laws
- she may apply to the Army Discharge Review Board (ADRB) or the ABCMR for upgrading
- she will be ineligible to apply for enlistment for a period of 2 years after discharge
- she elected not to submit matters on her own behalf

g. The immediate commander initiated separation action against the applicant under the provisions of AR 635-200, Chapter 9, for alcohol or other drug abuse rehabilitation failure.

h. On 16 April 2019, the separation authority approved the separation from the Army prior to the expiration of current term of service. The rehabilitative transfer requirement is waived because a transfer would be unlikely to produce a quality Soldier or serve any other useful purpose. The Soldier will not be transferred to the Inactive Ready Reserve (IRR). The Soldier will report to the separation transition center for separation processing. The Soldier's service will be characterized as honorable.

i. On 7 May 2019, she was honorably discharged from active duty. Her DD Form 214 shows she completed 2 years, 8 months, and 16 days of active service. She was assigned separation code JPD and the narrative reason for separation listed as “Alcohol Rehabilitation Failure,” with RE code 4. It also shows she was awarded or authorized:

- Army Achievement Medal (3rd Award)
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Army Service Ribbon
- Basic Marksmanship Qualification Badge

5. There is no evidence the applicant has applied to the ADRB for review of her discharge within that board's 15-year statute of limitations.

6. By regulation (AR 635-5-1), SPD code JPD is the appropriate code to assign to Soldiers separated under the provisions of AR 635-200, Chapter 9, for alcohol or other drug abuse rehabilitation failure. The SPD/RE Code Cross Reference Table, in effect at the time, states that a RE-4 code will be assigned to members separated under these provisions with an SPD code of JPD.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. Based upon the facts and circumstances leading to the applicant’s separation and the regulatory guidance found in AR 635-5-1, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant’s reentry (RE) code.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

5/15/2024

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CHAIRPERSON  


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 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) 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214 (Certificate of Release or Discharge from Active Duty). It states the SPD code "JPD" is the appropriate code to assign to Soldiers separated under the provisions of AR 635-200, Chapter 9, for alcohol or other drug abuse rehabilitation failure. The SPD/RE Code Cross Reference Table stipulates that a RE-4 code will be assigned to members separated under these provisions with an SPD code of JPD.
3. AR 601-210 (Active and Reserve Components Enlistment Program), in effect at the time, governs eligibility criteria, policies and procedures for enlistment and processing of persons, with or without prior service, into the Regular Army and the U.S. Army Reserve. Reentry eligibility (RE) codes are used for administrative purposes only and are not to be considered derogatory in nature. They are codes used for identification of an enlistment processing procedure. Table 3-1 lists the following:
  - a. RE-1 applies to persons immediately eligible for reenlistment at time of separation.

b. RE-3 applies to persons who may be eligible with waiver-check reason for separation.

c. RE-4 applies to persons ineligible for enlistment.

//NOTHING FOLLOWS//