

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230007373

APPLICANT REQUESTS: a change in his narrative reason for separation from “Weight Control Failure” to something more favorable.

APPLICANT'S SUPPORTING DOCUMENT(S) 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)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 16 October 1996
- DD Form 256A (Honorable Discharge Certificate), dated 5 November 2003 (U.S. Army Reserve (USAR))

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 he is requesting a change in the narrative reason for his separation to obtain a Certificate of Eligibility number from the Department of Veteran Affairs (VA) for a VA home loan. He was told that the “verbiage” has to be different in order for him to qualify.
3. A review of the applicant’s service record shows:
 - a. He enlisted in the Regular Army on 5 January 1995.
 - b. The service record includes the applicant’s medical evaluations for the purposes of separation which indicated no medical causes were found which would prohibit initiation of separation action. The applicant was marked qualified for service.

- Standard Form (SF) 600 (Chronological Record of Medical Care), 26 August 1996
- SF 88 (Report of Medical Examination)
- SF 93 (Report of Medical History), 18 September 1996

c. On 27 September 1996, the applicant's immediate commander notified the applicant of his intent to separate him under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), Chapter 18, for failure to meet body fat standards. He acknowledged receipt of the notification of separation action on the same day.

d. After waiving consultation with legal counsel, the applicant acknowledged:

- he was not entitled to appear before an administrative separation board
- the rights available to him and the effect of waiving said rights
- he may encounter substantial prejudice in civilian life if a general discharge under honorable conditions is issued to him
- he may apply to the Army Discharge Review Board or the ABCMR for upgrading
- he is ineligible to apply for enlistment in the Army for 2 years after discharge
- statements on his own behalf were not submitted

e. On 27 September 1996, the immediate commander initiated action to separate him under the provisions of AR 635-200, Chapter 18 for failure to meet body fat standards. Specifically, the applicant reentered the Army Weight Control Program within a 12 month period. The commander recommended an honorable characterization of service.

f. On 1 October 1996, consistent with the chain of command recommendations, the separation authority approved the discharge recommendation for immediate separation for failure to meet body fat standards. He would be issued an Honorable Discharge Certificate.

g. He was honorably discharged from active duty on 16 October 1996. His DD Form 214 shows he completed 1 year, 9 months, and 12 days of active service with no lost time. He was assigned separation code LCR and the narrative reason for separation listed as "Weight Control Failure," with reentry code 3.

h. Orders D-11-341337 honorably discharged the applicant from the U.S. Army Reserve with an effective date of 5 November 2003.

5. There is no evidence the applicant has applied to the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.

6. By regulation (AR 635-5), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Block 28 (Narrative Reason) is based on regulatory or other authority and can be checked against the cross reference in AR 635-5-1 (Separation Program Designator (SPD) Codes).

7. By regulation (AR 635-5-1), enlisted Soldiers receive separation codes in accordance with the guidelines published for separations per AR 635-200. The narrative reason for the separation will be entered in block 28 of the DD Form 214 exactly as listed in the appendices of the regulation. Appendix C lists for SPD code LCR, the narrative reason as, "Weight Control Failure" in accordance with AR 635-200, chapter 18.

8. By regulation (AR 635-200), separation proceedings are required for Soldiers who fail to meet screening table weight and body fat standards during the 12-month period following removal from the weight control program, provided no medical condition exists.

BOARD DISCUSSION:

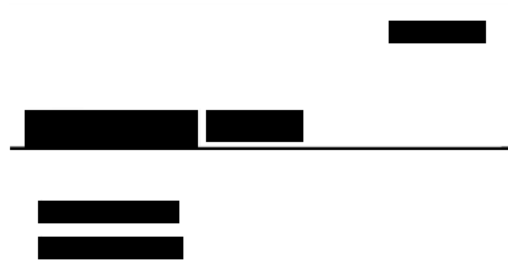
After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. By regulation (AR 635-200), separation proceedings are required for Soldiers who fail to meet screening table weight and body fat standards during the 12-month period following removal from the weight control program, provided no medical condition exists. The Board noted that the applicant's narrative reason for separation was assigned based on the fact that he failed body weight standards. Absent his failure, there was no reason to initiate separation action against him. The underlying reason for his discharge was his failure to meet weight standards. The only valid narrative reason for separation permitted under chapter 18 is "Weight Control Failure" and the appropriate separation code associated with this discharge is LCR.

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.



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 (Separation Documents) in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of

separation. The information entered thereon reflects the conditions as they existed at the time of separation. Block 28 (Narrative Reason) is based on regulatory or other authority and can be checked against the cross reference in AR 635-5-1 (Separation Program Designator (SPD) Codes).

3. AR 635-5-1 (Separation Program Designator Codes) provides separation program designator (SPD) codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The narrative reason for the separation will be entered in block 28 of the DD Form 214 exactly as listed in the appendices of the regulation. Appendix C lists for SPD code LCR, the narrative reason as, "Weight Control Failure" in accordance with AR 635-200, chapter 18.

4. AR 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, sets forth the basic authority for the separation of enlisted personnel. Chapter 18, states initiation of separation proceedings is required for Soldiers who fail to meet screening table weight and body fat standards during the 12-month period following removal from the weight control program, provided no medical condition exists.

//NOTHING FOLLOWS//