

IN THE CASE OF: ██████████

BOARD DATE: 4 April 2024

DOCKET NUMBER: AR20230008116

APPLICANT REQUESTS: her character of service be changed to honorable in lieu of uncharacterized.

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

- ARBA online application in lieu of DD Form 149 (Application for Correction of Military Record)
- Department of (VA) summary of benefits letter, 11 May 2023
- Army Human Resources Command (AHRC) referral email, 1 June 2023

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 her DD Form 214 (Certificate of Release or Discharge from Active Duty) still has her discharge as uncharacterized, but she was determined to be 100 percent disabled with service connected disability, permanent and total. She is having trouble receiving school benefits as well as housing as a result. Her records have not been updated to show this even though she's been receiving benefits for this since June of 2022.
3. The applicant enlisted in the Regular Army on 19 May 2014 and entered active service at Fort Jackson, SC.
4. A DA Form 4707 (Entrance Physical Standards Board (EPSBD) Proceedings), dated 3 Jun 2014, shows the applicant was recommended for separation from the Army for failure to meet procurement standards. The applicant had an extensive psychiatric history with prior diagnoses of Bipolar Discord, Attention Deficit Disorder, Oppositional Defiance Disorder, Atypical Psychosis, and Substance Abuse. Her condition was

considered to have existed prior to service (EPTS) and was not permanently service aggravated. She did not meet medical retention standards.

5. The applicant was discharged on 10 June 2014, under the provisions of Army Regulation (AR) 635-200, paragraph 5-11 for failed medical/physical/procurement standards. Her DD Form 214 shows she was credited with 22 days net active service this period. Her service was uncharacterized.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board noted that, by regulation, a separation will be described as an entry level separation, i.e., uncharacterized, if processing is initiated while a member is in entry level status. Entry level status is defined for Regular Army Soldiers as the first 180 days of continuous active duty. The Board found the evidence clearly shows the applicant was an entry level Soldier when her discharge processing was initiated, and her service was uncharacterized in accordance with regulation. The Board determined there is no error or injustice related to her uncharacterized service.

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.

8/18/2024

X [REDACTED]

CHAIRPERSON
[REDACTED]

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. AR 635-200 (Personnel Separations - Active Duty Enlisted Administrative Separations), sets policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

a. Paragraph 3-7 states only the honorable characterization may be awarded a member upon completion of his or her period of enlistment or period for, which called or ordered to AD or ADT, or where required under specific reasons for separation, unless an entry- level status separation (uncharacterized) is warranted.

b. Paragraph 3-9 (Uncharacterized separations) states a separation will be described as an entry level separation if processing is initiated while a member is in entry level status.

c. Entry level status is defined for Regular Army soldiers, as the first 180 days of continuous active duty or the first 180 days of continuous AD following a break of more than 92 days of active military service.

d. Paragraph 5-11 (Separation of personnel who did not meet procurement medical fitness standards) states Soldiers who were not medically qualified under procurement medical fitness standards when accepted for enlistment or who became medically disqualified under these standards prior to entry on AD or ADT for initial entry training, may be separated. Such conditions must be discovered during the first 6 months of AD. Such findings will result in an entrance physical standards board. This board, which must be convened within the Soldier's first 6 months of AD,

3. The Army rates only conditions determined to be physically unfitting at the time of discharge, which disqualify the Soldier from further military service. The Army disability rating is to compensate the individual for the loss of a military career. The VA does not have authority or responsibility for determining physical fitness for military service. The VA may compensate the individual for loss of civilian employability.

4. Title 38, U.S. Code, Sections 1110 and 1131, permit the VA to award compensation for disabilities which were incurred in or aggravated by active military service. However, an award of a VA rating does not establish an error or injustice on the part of the Army.

5. Title 38, CFR, Part IV is the VA's schedule for rating disabilities. The VA awards disability ratings to veterans for service-connected conditions, including those conditions detected after discharge. As a result, the VA, operating under different policies, may award a disability rating where the Army did not find the member to be unfit to perform his duties. Unlike the Army, the VA can evaluate a veteran throughout his or her lifetime, adjusting the percentage of disability based upon that agency's examinations and findings.

//NOTHING FOLLOWS//