

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230008285

APPLICANT REQUESTS:

- issue a new DD Form 214 (Certificate of Release or Discharge from Active Duty) in place of his original DD Form 214 and subsequent DD Form 215 (Correction to DD Form 214)
- change his Reentry (RE) Code from RE-3 to a more favorable code that allows reenlistment
- add his VA (Department of Veterans Affairs) 90% service-connected rating to his DD Form 214

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, Certificate of Release or Discharge from Active Duty
- DD Form 215 (Correction to DD Form 214)
- College Transcripts
- Department of Veterans Affairs Summary of benefits

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:

a. His original DD Form 214 did not include two of his awards. He appealed to this Board and the Board granted relief by adding the two awards. As a result, he was issued a DD Form 215 (Correction to DD Form 214). However, employers do not understand what a DD Form 215 is. As such, he likes to have his DD Form 214 reissued. Additionally, he was discharged for parenthood, due to his children's mother passing, leaving him with no family care plan. He was assigned Separation Code JDG and Reentry Code 3. He is 58 years now and would like to reenlist. He would like the

reenlistment code changed to unrestricted since he can't reenlist. Finally, he would also like his Army DD Form 214 to reflect his VA (Department of Veterans Affairs) 90% rating.

b. As a government employee, it is helpful in applying to other and/or higher positions within the Federal Government. He learned that the request was possible due to the issue with the DD Form 215 and the VA disability rating. The JDG Reenlistment Code (sic: Separation Code) was wrong to begin with as he had no options as a single parent. However, his commander could have allowed him to stay in service since they never deployed prior to his children reaching the age of maturity.

3. Regarding the addition of his VA service-connected rating to his DD Form 214, there is no provision in the governing regulation (Army Regulation (AR) 635-5/635-8) to add such entry to the DD Form 214. Therefore, this issue will not be discussed further in this Record of Proceedings.

4. Regarding the issuance of a new DD Form 214 in place of his original DD Form 214 and subsequent DD Form 215, the governing regulation (AR 635-5/AR 635-8) states the DD Form 215 is issued to correct a DD Form 214. Do not issue a DD Form 215 when two DD Forms 215 have already been issued for the same DD Form 214. Administratively issue a new DD Form 214. Therefore, this issue will also not be discussed further in this Record of Proceedings.

5. Review of the applicant's service record shows:

a. Having had prior service, the applicant enlisted in the Regular Army on 9 May 2000. He held military occupational specialties 13F, Fire Support Specialist and 51R, Interior Electrician.

b. On 4 March 2003, following repeated counseling of the need for a Family Care Plan, the applicant's commander counseled and informed him that he had failed to complete his Family Care Plan with the allotted timeframe and because of his inability to provide a Family Care Plan, he would be separated from military service.

c. On 26 March 2003, the applicant's immediate commander notified the applicant of his intent to initiate separation action against him due to parenthood under the provisions of Army Regulation (AR) 635-200 (Personnel Separations (now Active Duty Enlisted Administrative Separations)), paragraph 5-8. The reason for the proposed action was that he had been unable to provide an adequate and working family care plan during that timeframe. Due to his inability to do so, the commander concluded he was not available for worldwide assignment or deployment according to the needs of the Army. The commander recommended the issuance of an Honorable Discharge Certificate. The commander advised the applicant of his rights.

d. The applicant acknowledged receipt of the notification of administrative separation in accordance with AR 635-200, chapter 5-8 for Involuntary Separation Due to Parenthood. After having consulted with counsel, he submitted a statement acknowledging that he had been advised by counsel of the basis for the contemplated separation action against her under the provisions of paragraph 5-8 of Army Regulation 635-200. He waived consideration of his case by an administrative separation board, contingent on him receiving an honorable discharge, and elected not to submit a statement in his own behalf.

e. The applicant's commander initiated separation action against him due to parenthood – family care plan. The chain of command recommended approval.

f. On 28 March 2003, the separation authority approved the applicant's separation under the provisions of AR 635-200, paragraph 5-8 and directed the issuance of an Honorable Discharge Certificate.

g. The applicant was honorably discharged on 25 April 2003. His DD Form 214 show she was discharged under the provisions of paragraph 5-8 of AR 635-200 due to parenthood. He was assigned Separation Code JDG and RE Code 3. He completed 2 years, 11 months, and 17 days of active service during this period. His DD Form 214 also listed his awards and decorations.

h. On 26 October 2009, as a result of the Board's decision, the applicant was issued a DD Form 215 that corrected his DD Form 214 to add awards of the Army Good Conduct Medal and Global War on Terrorism Service Medal.

6. By regulation, Separation Code JDG is the correct code issued to enlisted Soldiers separated under paragraph 5-8 of AR 635-200. Such Separation Code has a corresponding RE Code of 3.

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 of record shows the applicant was honorably discharged on 25 April 2003 due to parenthood. He was assigned Separation Code JDG and RE Code 3. He completed 2 years, 11 months, and 17 days of active service during this period.

a. On 26 October 2009, as a result of the Board's decision, the applicant was issued a DD Form 215 that corrected his DD Form 214 to add awards of the Army Good Conduct Medal and Global War on Terrorism Service Medal. The DD Form 214 is the correct form issued to correct an entry on the DD Form 214. The Board determined

since the applicant received the correct regulatory form to correct his DD Form 214, there is no reason to issue a separate DD Form 214.

b. The Board noted that by regulation, Separation Code JDG is the correct code issued to enlisted Soldiers separated under paragraph 5-8 of AR 635-200. The Board further noted that by regulation Separation Code JDG has a corresponding RE 3 Code. As such, the applicant's DD Form 214 correctly reflects the correct RE Code and there is no reason to change it.

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 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.

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 635-200 (Personnel Separations), in effect at the time, set forth the basic policy for the separation of enlisted personnel. Paragraph 5-8 stated that Soldiers were considered for involuntary separation when parental obligations interfered with fulfillment of military responsibilities. Separation processing was not initiated until the Soldier was adequately counseled concerning deficiencies and afforded the opportunity to overcome them. Specific reasons for separation because of parenthood included:

- inability to perform prescribed duties satisfactorily
- repeated absenteeism
- inability to participate in field training exercises
- non-availability for worldwide assignment or deployment according

3. Army Regulation 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. It states that the SPD code of "JDG" is the appropriate code to assign Soldiers separated under the provisions of Army Regulation 635-200, paragraph 5-8, by reason of parenthood. The SPD/RE Code Cross Reference Table stipulates that an RE code of "3" will be assigned to members separated under these provisions with an SPD code of "JDG."

4. Army Regulation 601-210 (Active and Reserve Components Enlistment Program), effective 7 June 2007, covered eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army and the U.S. Army Reserve. Table 3-1 showed the RE codes and shows:

- RE code 1 applies to Soldiers completing their term of active service who were considered qualified to reenter the U.S. Army; they are qualified for enlistment if all other criteria are met
- RE code 3 applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable; they are ineligible for enlistment unless a waiver is granted

//NOTHING FOLLOWS//