

operating the office MAG card typewriter. She would also like to give an explanation to rebut the individual records of counseling documented by Captain [REDACTED]

3. The applicant's service record reflects the following documents:

a. DD Form 4 (Enlistment/Reenlistment Document) shows the applicant enlisted in the Regular Army on 10 July 1979.

b. She received the following disciplinary actions:

(1) On 16 March 1981, she was counseled for her deportment towards her superior officer.

(2) On 18 March 1981, she was counseled for poor typing performance, handling of clients, wearing earrings to work, repeatedly coming to work late, and not reporting in when released from sick call.

(3) On 10 April 1981, she was counseled and formally relieved from all her duties with the legal center due to disrespect towards her supervisor, an officer, her inability to abide by normal working hours, for treating others disrespectfully, and for making a false statement.

c. Her DA Form 2-1 (Personnel Qualification Record) shows in item 21 (Time Lost): 1 June 1981 to 14 June 1981 (absent without leave).

d. On 19 June 1981, the applicant's commander recommended elimination pursuant to Army Regulation (AR) 635-200 (Personnel Separations), Chapter 5-31. The specific reasons are listed as:

- poor attitude
- lack of motivation
- lack of self-discipline
- failure to demonstrate promotion potential

e. She acknowledged receipt of the commander's notification and understood/acknowledged the following:

- She voluntarily consented to her discharge from the U.S. Army
- If she receives a general discharge, that she may expect to encounter substantial prejudice in civilian life
- The opportunity to consult with counsel

- That prior to her separation, she may withdraw her voluntary consent to the discharge
- That she will not be permitted to apply for enlistment for two years from the date of her discharge
- She also elected not to submit statements in her own behalf

e. Her command initiated action to discharge her pursuant to Army Regulation 635-200, Chapter 5-31 (Expeditionary Discharge Program (EDP)) and recommended that she be furnished a general discharge.

f. On 23 June 1981, the separation authority approved the recommendation and ordered her to receive a general discharge. He directed the applicant not be assigned to the Individual Ready Reserve.

g. On 2 July 1981, prior to her separation, she received nonjudicial punishment under the provisions of Article 15, Uniform Code of Military Justice (UCMJ), for absenting herself from her unit, from on or about 1 June 1981 to 14 June 1981. Her punishment consisted of reduction to E-1 (suspended), forfeiture of \$250.00 for two months (suspended), 30 days restriction and extra duty (suspended).

h. She was pending another nonjudicial punishment of two specifications for, without authority, failing to go to at the time prescribed, to her appointed place of duty on 12 June 1983 and on 13 June 1983. However, it does not appear that she received the nonjudicial punishment.

i. Her DD Form 214 shows she was discharged on 10 July 1981 under the provisions of chapter 5-31 of AR 635-200, for failure to maintain acceptable standards for retention - (EDP). She completed 1 year, 11 months, and 17 days of net active service this period. She was assigned Separation Code JGH and Reentry Codes 3/3B. This document also shows in:

- item 24 (Character of Service): Under Honorable Conditions
- item 28 (Narrative Reason for Separation): EDP. Failure to Maintain Acceptable Standards for Retention

4. In a previous ABCMR case, Docket Number AC87-02010, dated 8 February 1989:

a. She requested, in effect, correction of the following:

- the type of discharge
- the reenlistment eligibility code (RE)
- narrative reason for separation

b. Her request was denied by the Board due to lack of sufficient justification to grant relief. The complete case is available for the Board to review.

5. In ABCMR Docket Number AR2002069966, dated 18 June 2002, the applicant made a request not relevant to this case. The request was denied.

6. In ABCMR Docket Number AR20200008097, dated 5 October 2022, the applicant requested, in effect, to have her character of service to be changed to honorable. Her request was denied by the Board due to no evidence of probable error or injustice. The complete case is available for the Board to review.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined relief was not warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. Based upon the pattern of misconduct during the applicant’s military service and the lack of any mitigation for the misconduct, the Board found the current characterization of service fair and equitable. Therefore, the Board recommended denying relief.


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.

5/20/2024

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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. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. 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. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, provided the authority for separation of enlisted personnel upon expiration term of service, prior to ETS, and the criteria governing the issuance of honorable, general, and undesirable discharge certificates.

a. An honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. The honorable characterization is appropriate when the quality of the member'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. Chapter 5-31h(2) provides for separating enlisted members under the EDP. This program provides that members who have demonstrated that they cannot or will not meet acceptable standards required of enlisted personnel in the Army because of existence of one or more of the following conditions may be separated when they have

failed to respond to counseling (DA Form 4856, General Counseling Form). The criteria in section VIII, chapter 1, will govern whether the member will be released from active duty with transfer to the IRR, or discharged. A discharge general, under honorable conditions is normally appropriate for a Soldier discharged under this chapter.

- Poor attitude
- Lack of motivation
- Lack of self-discipline
- Inability to adapt socially or emotionally
- Failure to demonstrate promotion potential

c. No member will be separated under this program unless the Army member voluntarily consents to the proposed separation. The Army member's acceptance of separation may not be withdrawn after the date the separation authority approves the separation.

3. Army Regulation 635-5-1 (Separation Program Designator Codes) states that the Separation Program Designator (SPD) codes are three-character alphabetic combinations which identify reasons for, and types of, separation from active duty.

a. SPD code "JGH" is the appropriate code to assign to enlisted Soldiers who are administratively discharged under the provisions of Army Regulation 635-200, paragraph 5-31 H(2), based on the Expeditious Discharge Program (EDP), failure to maintain acceptable standards for retention.

b. The SPD/RE Code Cross Reference Table provides instructions for determining the RE code for Active Army and Reserve Component Soldiers. The SPD/RE Cross Reference Table in effect at the time of the applicant's separation established the RE code of "3" as the proper RE code to assign to enlisted Soldiers who separated with SPD code of JGH.

4. Army Regulation 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army, U.S. Army Reserve, and Army National Guard. Table 3-1 provides a list of RE codes:

- RE-1 applies to Soldiers completing their terms of active service who are considered qualified for enlistment if all other criteria are met
- RE-3 applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, but the disqualification is waivable – they are ineligible unless a waiver is granted

5. Army Regulation 635-5 (Separation Documents). The DD Form 214 is a summary of a soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service. Item 28 (Narrative Reason for Separation) is based on regulatory or other authority guidance.

//NOTHING FOLLOWS//