

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 April 2024

DOCKET NUMBER: AR20230009227

APPLICANT REQUESTS: reconsideration of her previous request to correct her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her service was characterized as under honorable conditions (general) vice uncharacterized.

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
- Marriage Certificate
- Department of Veterans Affairs Summary of Benefits
- Driver License
- Social Security Card

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20210011213, on 22 February 2022.

2. The applicant states her discharge was upgraded to under honorable conditions, but she never received a corrected copy. She should receive a corrected copy that shows the current upgrade so that she can receive entitled benefits. She is now considered having a service connected disability and need this document for employment.

3. Review of the applicant's service records shows:

a. The applicant enlisted in the Regular Army on 22 August 1997. She was assigned to Fort Jackson, SC for training.

b. The applicant's record is void of a separation packet containing the specific facts and circumstances surrounding her discharge processing. However, the DD Form 214 she was issued shows she was discharged on 3 February 1998, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 11, by reason of entry level performance and conduct and her service was uncharacterized

(Separation Code JGA and Reentry Code 3). She was credited with completing 5 months and 12 days of active service.

- She was not awarded a military occupational specialty
- She did not complete first full term of service

4. On 22 February 2022, the Board denied her request to change the character of service. After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicants request, supporting documents, evidence in the records, and published DoD guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, the applicant's record and length of service, the absence of an MOS, the absence of a separation packet and the reason for separation. The Board did not find mitigating circumstances while she was in service, and the applicant provided insufficient evidence of post-service achievements in support of a clemency determination. After reviewing the application and all supporting documents, the Board found that the applicant was in an initial entry status upon separation and the character of service she received was not in error or unjust. Accordingly, relief was not warranted based upon guidance for consideration of discharge upgrade requests.

5. The applicant provides her VA Summary of Benefits, 8 June 2023. This summary shows she served in the Army from 22 August 1997 to 3 February 1998 and her service is considered under honorable conditions. She has one or more service-connected disabilities, and her combined service-connected evaluation is 40%.

6. By regulation (AR 635-200), Soldiers are considered to be in an entry-level status when they are within their first 180 days of active duty service.

BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.

2. The applicant provides documentation from the VA stating her service is considered under honorable conditions, as evidence her character of service was previously upgraded and states she did not receive the documentation.

a. The Department of Veterans Affairs and the Department of the Army operate under a separate set of laws and rules. It appears the applicant may be confused by how some terms were used by the VA.

b. The VA was not telling the applicant her characterization of service was upgraded by either the VA or the Army; the VA was telling the applicant, for the purposes of VA benefits, the VA considered her service to have occurred under honorable conditions.

3. The evidence of record shows the applicant, who enlisted to serve in the regular Army, received an uncharacterized discharge, for entry level performance and conduct, after completing 5 months and 12 days (or 166 days) of net active service.

a. Army Regulations require separations be described as entry level with uncharacterized service if the Soldier has less than 180 days of continuous active duty service at the time separation action is initiated.

b. The applicant was an entry level Soldier, she completed less than 180 days of service, and she was not awarded a military occupational specialty. There is no error or injustice; her separation and her characterization of service are appropriate based on the length of service and the reason for her separation.

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 to amend decision of the ABCMR set forth in Docket Number AR20210011213, dated 22 February 2022.

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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:

Army Regulation 635-200 (Personnel 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 3-4(2) Entry-Level status. Service will be uncharacterized, and so indicated in block 24 of DD Form 214, except as provided in paragraph 3–9a.

b. Paragraph 3-7a states an honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the soldier'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.

c. Paragraph 3-7b states a general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

d. Paragraph 3-9a Entry-level status separation. A separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status, except when—

(1) Characterization under other than honorable conditions is authorized under the reason for separation and is warranted by the circumstances of the case.

(2) HQDA on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by reason of selected changes in service obligation, convenience of the Government, and Secretarial plenary authority.

(3) The Soldier has less than 181 days of continuous active military service, has completed Initial Entry Training, has been awarded an MOS, and has reported for duty at a follow-on unit of assignment.

e. Chapter 11 sets policy and provides guidance for the separation of Soldiers because of unsatisfactory performance and/or conduct while in entry-level status. Separation of a Soldier in entry level status may be warranted on the grounds of unsatisfactory performance and/or unsatisfactory conduct as evidenced by: Inability; Lack of reasonable effort; Failure to adapt to the military environment; and/or Minor disciplinary infractions.

(1) This policy applies, in pertinent part, to Soldiers who enlisted in the Regular Army, ARNG, or USAR, are in entry-level status, undergoing IET, and, before the date of the initiation of separation action, have completed no more than 180 days of creditable continuous AD or IADT or no more than 90 days of Phase II under a split or alternate training option. (See the glossary for precise definition of entry-level status.)

(2) The Soldiers to whom this applies, in pertinent part have failed to respond to counseling and have demonstrated that they are not qualified for retention. The following conditions are illustrations of conduct and/or performance that disqualify Soldiers for retention: (a) Cannot or will not adapt socially or emotionally to military life; (b) Cannot meet the minimum standards prescribed for successful completion of training because of lack of aptitude, ability, motivation, or self-discipline; and/or (c) Have demonstrated character and behavior characteristics not compatible with satisfactory continued service.

f. Section II (Terms):

(1) Character of service for administrative separation - A determination reflecting a Soldier's military behavior and performance of duty during a specific period of service. The three characterizations are honorable, general (under honorable conditions), and under other than honorable conditions. The service of Soldiers in entry-level status is normally described as uncharacterized.

(2) Entry-level status - For Regular Army Soldiers, entry-level status is the first 180 days of continuous AD or the first 180 days of continuous AD following a break of more than 92 days of active military service.

//NOTHING FOLLOWS//