

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230010187

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show:

- a reentry eligibility (RE) code of RE-1 vice RE-3
- correction of item 15a (Primary Specialty Number and Title) as 98G (Russian Language Student) vice 15D (Trainee)

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- DD Form 214, for the period ending 16 June 1978

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. He served his country and was honorably discharged. He discovered that he was given a waivable RE code at some point after his discharge. He is requesting the correction because he believes it was an injustice and done without his knowledge or understanding.

b. Near the end of his language training, several Soldiers received orders for new military occupational specialties (MOS). They all had top secret clearances and were told there were no longer slots available. He received orders for military police (MP) school at Fort McClellan, AL, some Soldier fought and received an honorable discharge due to the Army breach of their contract. Prior to leaving Monterey he took the Russian language proficiency test for it to reflect on his qualification. He later attempted to get a copy of his test results and was told that records were destroyed due to a fire.

c. When he reported to Fort McClellan, AL, he asked his company commander if he could return to his original MOS. His commander sent him to the Judge Advocate General's (JAG) Corps. He was removed from MP training and became the company's driver while his situation was resolved. He was told he could not go back to his original MOS but could choose a new MOS.

d. He selected the photographic intelligence MOS and reported to Fort Sill, OK, for training. He was sent to the JAG office again and became the commander's driver. After 8 weeks, he was given a choice to select another MOS or be discharged honorably. He was told that his record would indicate a breach of contract of the Army and he would receive all benefits accrued, he chose to be discharged.

e. His DD 214 also shows a handwritten note that says "Failure to maintain acceptable standards for retention." He would like this statement to be removed. He is a 64 year old retired police chief without a single blemish on his record.

3. A review of the applicant's service record shows:

a. The applicant enlisted in the Regular Army on 17 January 1977. He enlisted for training in MOS 98G, Cryptologic Linguist with follow on training in the Russian Language.

b. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in item 27 (Remarks) that he attended the 37 Week Russian Language Course as student in 1978, with the word "Turnback" typed on the form

c. On 6 February 1978, he was reassigned to Fort McLellan, AL for one station unit training in MOS 95B, Military Police. However, it does not appear he completed training in this MOS.

d. On or about 31 March 1978, he was reassigned to Fort Sill, OK for training. He was placed in duty MOS 15D position.

4. A DA Form 2496 (Disposition Form), dated 5 April 1978 shows the applicant was disqualified from the Nuclear Surety Personnel Reliability Program. His commander noted that his disqualification was due to poor attitude or lack of motivation toward nuclear assignment, lack of emotional or mental maturity and sense of responsibility.

5. The applicant was given 10 days to request a review of the disqualification. The applicant on the same day elected not to undergo a review of his disqualification.

6. The applicant underwent a mental status evaluation on 8 April 1978. The relevant DA Form 3822-R (Report of Mental Status Evaluation) shows he was psychiatrically cleared for any action deemed appropriate by the command.

7. On 31 May 1978, the immediate commander notified the applicant of his intent to initiate action to separate him from service under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), paragraph 5-31, Expeditious Discharge Program. The commander specifically noted the applicant demonstrated that he was maladjusted for military service. His maturity and self-conduct were totally unsatisfactory. His reaction to the counseling and assistance he received, while a member of the command, has been negative. He was disqualified from the nuclear assignment due to his attitude and lack of motivation. Prior to his arrival at the unit, he failed two MOS schools and further stated that if sent to another unit he would fail also. For these reasons he is totally unfit for military service and is recommended for discharge immediately.

8. The applicant acknowledged receipt of his commander's notification on 1 June 1978.

a. He understood that if he was issued a general discharge under honorable conditions, he may expect to encounter substantial prejudice in civilian life and that he has been provided the opportunity to consult with an officer of the JAG Corps.

b. He understood that he would not be able to apply for enlistment in the United States Army within 2 years from his date of discharge.

c. He elected not to submit a statement on his own behalf.

9. Department of the Army letter, dated 16 June 1978, shows the applicant was informed that he was being discharged from active duty on 16 June 1978 due to failure to maintain acceptable standards for retention and that he was not eligible for immediate reenlistment unless waiver is granted and that the code is applicable only to persons who have lost time during their last period of service.

10. Accordingly, the applicant was honorably discharged on 16 June 1978, under the provisions of Army Regulation 635-200, paragraph 5-31. He was credited with 1 year and 5 months of active service. His DD Form 214 also shows:

- item 9c (Authority and Reason) – Para 5-31, AR 635-200 – SPD: JGH
- item 10 (Reenlistment Code) – RE3
- item 16a (Primary Specialty Number and Title): 15D (Trainee), 780331, None

11. The Army Discharge Review Board (ADRB) reviewed the applicant's request for an amendment of his RE code on 10 October 1989. After careful consideration, the Board

determined the applicant was given the appropriate reentry eligibility code and was properly and equitably discharged. His request for a change in the reentry eligibility code was denied.

12. AR 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army, USAR and ARNG. Table 3-1 provides a list of RE codes.

- RE code "1" applies to Soldiers completing their term of active service, who are considered qualified for enlistment if all other criteria are met
- RE code "2" is no longer in use but applied to Soldiers separated for the convenience of the government, when reenlistment is not contemplated, who are fully qualified for enlistment/reenlistment
- RE code "3" applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, whose disqualification is waivable – they are ineligible unless a waiver is granted
- RE code "4" applies to Soldiers separated from last period of service with a non-waivable disqualification

13. Army Regulation 635-5 (Personnel Separations – Separation Documents) states for item 16a (Primary Specialty Number and Title) to enter the MOS code, title, and date of award for enlisted personnel.

14. In reaching its determination, the Board can consider the applicant's petition and his service record in accordance with the published equity, injustice, or clemency determination guidance.

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.

a. The evidence of record shows the applicant enlisted in the Regular Army for training in MOS 98G with follow on training in the Russian language. However, he did not complete training in MOS 98G and was discharged under the Expeditious Discharge Program due to failure to maintain acceptable standards. He was reassigned to Fort Sill and was placed as a Trainee in a duty MOS position 15D. That is why his DD Form 214 reflects this MOS. Although it is not the proper MOS he held at the time of separation, the fact remains that he was not awarded MOS 98G. Additionally, there is no specific MOS for Russian Language. Language training at the time was additional training associated with an intelligence MOS. Therefore, the Board determined relief is not warranted regarding his MOS.

b. Enlisted Soldiers separated under the Expeditious Discharge Program was assigned Separation Code JGH. At the time of his separation, this Separation Code had a corresponding RE Code of 3 which is appropriately listed on the applicant's DD Form 214. Based on a preponderance of available evidence, the Board determined that the Reentry Code the applicant received upon separation was not in error or unjust.

c. The "Member" copy of the DD Form 214 provided by the applicant contains a hand-written entry. However, the "Service" copy of the DD Form 214 does not. The applicant is advised to request a copy of his service DD Form 214 from the official custodian of his records (National Personnel Record Center).

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.

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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 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 code "1" applies to Soldiers completing their term of active service, who are considered qualified for enlistment if all other criteria are met.
- RE code "2" is no longer in use but applied to Soldiers separated for the convenience of the government, when reenlistment is not contemplated, who are fully qualified for enlistment/reenlistment.
- RE code "3" applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, whose disqualification is waivable – they are ineligible unless a waiver is granted.
- RE code "4" applies to Soldiers separated from last period of service with a non-waivable disqualification

3. Army Regulation 635-5 (Personnel Separations – Separation Documents) states for item 16a (Primary Specialty Number and Title) to enter the MOS code, title, and date of award for enlisted personnel.

//NOTHING FOLLOWS//