

IN THE CASE OF: ██████████

BOARD DATE: 29 March 2024

DOCKET NUMBER: AR20230010606

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to change his characterization of service from uncharacterized to honorable
- correction of his reentry code

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

DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)

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 he is requesting correction of his DD Form 214 to add a reentry code and change his characterization of service from uncharacterized to honorable. He additionally states that when he applies for jobs and veterans' programs he is not recognized as a veteran without an honorable discharge and reentry code.
3. Review of the applicant's service record shows:
 - a. He enlisted in the Army National Guard (ARNG) on 5 May 2004.
 - b. Orders: 4127003, issued by the ██████████ Military Entrance Processing Station on 6 May 2004 ordered him to active duty for training for approximately 15 weeks to complete Basic Combat Training (BCT) and Advanced Individual Training (AIT).
 - c. On 17 June 2004, he was discharged from active duty in accordance with Chapter 11 of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) with an uncharacterized characterization of service. His DD Form 214

(Certificate of Release or Discharge from Active Duty) contains the following information and/or entries:

- item 12c (Net Active Service this Period) - "0000 01 08"
- item 12d (Total Prior Active Service) - "0000 03 10"
- item 23 (Type of Separation) - "RELEASE FROM ADT AND DISCHARGE FROM THE RESERVE OF THE ARMY AND RETURN TO THE ARNG"
- item 27 (Reentry Code) - "NA"

4. The applicant's record is void of the separation proceedings that discharged him from the ARNG.

BOARD DISCUSSION:

1. 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.
2. The applicant was an Army National Guard Soldier, who was separated from active duty while he was in an entry level status and returned to the Army National Guard. He did not receive a reentry code because the DD Form 214 that separated him from active duty did not terminate his service in the Army National Guard. Only his period of active duty service was terminated, therefore, it was not appropriate to include a reentry code.
3. The applicant appropriately received an uncharacterized characterization of service, because he was separated from active duty service while he was still in an entry level status.

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.

6/6/2024

X █

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. 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 15-185 (ABCMR) 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, which is that what the Army did was correct.

3. Army Regulation 635-5 (Separation Documents) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. This regulation provided, in item 27 (Reentry Code) - AR 601–210 determines RA and USAR reentry eligibility and provides regulatory guidance on the RE codes. These codes are not applicable to officers, USMA cadets who fail to graduate or enter USMA from active duty status, or to RC soldiers being separated for other than cause.

4. Army Regulation 635-200 (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 3-4(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 3-9a 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.

d. 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. 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.) 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.

e. 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 ARNGUS and USAR Soldiers, entry-level status begins upon enlistment in the ARNG or USAR. For Soldiers ordered to IADT for one continuous period, it terminates 180 days after beginning training. For Soldiers ordered to IADT for the split or alternate training option, it terminates 90 days after beginning Phase II advanced individual training (AIT). (Soldiers completing Phase I BT or basic

combat training (BCT) remain in entry-level status until 90 days after beginning Phase II.)

//NOTHING FOLLOWS//