

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2024

DOCKET NUMBER: AR20230011251

APPLICANT REQUESTS: an upgrade of her uncharacterized discharge to honorable.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 293 (Application for the Review of Discharge)
- Department of Veterans Affairs (VA) Benefits Letter
- Eight Department of VA Decision Letters
- VA Admissions and Discharges Record
- Change of Address Request

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 that during her time in the military she endured post-traumatic stress disorder (PTSD) as a result of various factors. The factors included fainting, anxiety, panic attacks, depression, and difficulty adapting to stressful circumstances and affected her ability to perform her duties. As a result, her mental health was not addressed during her time in service.

3. The applicant provides:

a. A VA benefits letter, dated 22 August 2023, that states the applicant is rated at 100 percent due to service-connected disabilities.

b. Eight VA decision letters that show her ratings increased for PTSD, vasomotor disturbance, migraine headaches, and trochanteric bursitis.

c. An admission and discharge summary of the applicant's VA hospital visits from 1 February 2022 to 3 May 2023.

d. A change of address request updating her current mailing address from the address listed on her original application.

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

a. She enlisted in the Regular Army on 7 October 1993.

b. A DA Form 4707 (Entrance Physical Standards Board (EPSBD) Proceedings), dated 9 March 1994 states the applicant has a history of fainting spells occurring after prolonged standing and that she had seizures as a child.

c. On 16 March 1994, she requested separation and signed a counseling stating that she understood:

(1) Her rights in connection with processing of an EPSBD and have been informed that she did not meet procurement medical fitness standards outlined in Army Regulation (AR) 40-501 (Insert name here).

(2) She understood that legal advice of an attorney employed by the Army is available to her, or she may consult civilian counsel at her own expense, and that she must initiate action herself through her chain of command if she desired counsel.

(3) That she may be discharged without delay or request retention on active duty, and if retained, may be involuntarily reclassified into a different military occupational specialty.

d. A DA Form 2823 (Sworn Statement) completed by the applicant on 17 March 1994, states that before she enlisted into the Army, she fainted one time while she was pregnant and had not fainted again until joining the Army. She went on to say that she fainted before and after physical training and went to the troop medical clinic each time. Several tests were run on her and once she received the results she was informed that she would be discharged.

e. On 23 March 1994, she was discharged from active duty with an uncharacterized characterization of service. Her DD Form 214 shows she completed 5 months and 17 days of active service. It also shows:

- Item 11 (Primary Specialty): None
- Item 14 (Military Education): None
- Item 25 (Separation Authority): AR 635-200, paragraph 5-11
- Item 26 (Separation Code): JFW
- Item 28 (Narrative Reason for Separation): Failure to Meet Procurement Medical Fitness Standards

5. The applicant's military record was void of any documentation showing that she completed advanced individual training (AIT) and was awarded a military occupational specialty (MOS).

6. By regulation:

a. 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. The information entered thereon reflects the conditions as they existed at the time of separation.

b. A separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier in entry-level status, except when the Soldier has completed initial entry training and has been awarded a MOS.

7. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting a change to her uncharacterized discharge to honorable. She contends she experienced PTSD that mitigates her discharge. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following: 1) The applicant enlisted in the Regular Army on 7 October 1993; 2) On 23 March 1994, she was discharged from active duty with an uncharacterized characterization of service. Her narrative reason for separation was failure to meet procurement medical fitness standards. She completed 5 months and 17 days of active service, and she was not awarded a MOS.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents and the applicant's military service and available medical records. The VA's Joint Legacy Viewer (JLV) was also examined.

c. The applicant asserts she was experiencing PTSD while on active service, which mitigates her discharge. There is evidence the applicant had a history of fainting and seizures prior to her enlistment as was noted on her Entrance Physical Standards Board, dated 09 March 1994. The applicant also provided a sworn statement on 17 March 1994 that she had only fainted one time prior to enlisting into the Army, while pregnant, but she had fainted before and after physical training and sought medical treatment each time. In addition, she had received medical treatment and several assessments for this condition prior to her discharge. The applicant was found to fail to meet the procurement medical fitness standards and was released from service after less than six months of military service and before being awarded a military occupational specialty.

d. A review of JLV provided evidence the applicant began to engage with the VA in 2022 primarily for medical concerns. She had her first Compensation and Pension Evaluation for PTSD in March 2022. The applicant denied a history of fainting prior to the military or the result of physical training or related to her pregnancy as was noted in her military records. She stated she fainted for the first time in her life after being exposed to gunfire at the range, typical basic training experiences such as being verbally redirected, and attending CBRNE training. She described experiencing PTSD, panic, and symptoms since her initial training experiences along with fainting. It was noted the applicant was not exposed combat, physical assault, or sexual assault while in active service. She has been diagnosed with service-connected PTSD and awarded service-connected disability for this mental health condition (70%).

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to support the applicant had a condition or experience that mitigates her discharge.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant asserts she experienced PTSD which mitigates her discharge. There is sufficient evidence the applicant has been diagnosed with service-connected PTSD in 2022.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts she experienced PTSD that mitigates her discharge while on active service. The applicant was diagnosed with service-connected PTSD by the VA in 2022.

(3) Does the condition experience actually excuse or mitigate the discharge? No, there is sufficient evidence beyond self-report the applicant has been diagnosed with service-connected PTSD by the VA in 2022. However, there is also sufficient evidence the applicant was experiencing a medical concern prior to her enlistment, which likely increased her likelihood of fainting during increased level of typical stress associated with initial training. This was identified early in the applicant's training, and she was properly assessed, and she was separated. Also, it was unlikely the applicant would have improved with behavioral health therapy due to the applicant's previously existing medical condition of fainting. Lastly, the applicant was separated with an uncharacterized nature of service, which is consistent with her amount of time active service. Therefore, there is insufficient evidence at this time to warrant a change to the applicant's characterization of service from a behavioral health perspective.

#### 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 shows the applicant was separated under the provisions of chapter 5 of AR 635-200, due to failing medical/physical/ procurement standards (pre-existing condition). She was credited with 5 months and 17 days of active service. She did not complete initial entry training and was not awarded an MOS. Her service was uncharacterized. The Board found no error or injustice in her separation processing. An uncharacterized discharge is given to individuals who separate prior to completing 180 days of military service, or when the discharge action was initiated prior to 180 days of service. The Board reviewed and agreed with the medical reviewer’s finding insufficient evidence to support the applicant had a condition or experience that mitigates her discharge. The Board determined that a change to her uncharacterized discharge is unwarranted.

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. AR 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. The information entered thereon reflects the conditions as they existed at the time of separation.
3. AR 635-200 (Active Duty Enlisted Administrative Separations), in effect at the time, sets forth the basic authority for the separation of enlisted personnel. A separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier in in entry-level status, except when the Soldier has completed initial entry training and has been awarded a military occupational specialty.

//NOTHING FOLLOWS//