

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 July 2024

DOCKET NUMBER: AR20230012265

APPLICANT REQUESTS:

- issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty)
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement

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 she entered into the U.S. Army Reserve (USAR) at the age of 17, under the split option program. Upon arrival to basic training, she was assigned as a squad leader. She excelled in every aspect of training. She was recognized as a Soldier of the week and graduated with honors. After basic training, she returned to her unit in Columbia, SC. She became pregnant her senior year of high school which delayed her attendance to advanced individual training (AIT). However, she continued to attend unit battle assemblies. She inquired with her leadership about scheduling AIT, however, a new date never came. She was discharged from the USAR, and at that time she was embarrassed and disappointed. No one guided her on the next steps to save her career. Years later, she attempted to obtain her DD Form 214, but was told she would not get one issued because she did not have 90 consecutive days of active duty service. In hindsight, she feels her unit failed her. Her plan was to become a nurse and serve in the Army. She achieved her goal of becoming a nurse and has been practicing now for the last 20 years. If she had known of the 90 consecutive days requirement to be considered a Veteran, she would not have chosen the split option program.

3. The applicant enlisted in the USAR on 31 May 1991, under the alternate training program (split option).
4. The applicant entered active duty for initial active duty training (IADT) on 12 June 1991, for the purpose of completing basic training.
5. A letter issued by the U.S. Army Transition Point, Fort Jackson, SC on 16 August 1991, notes the applicant completed basic training and returned to the control of the USAR. The letter was in lieu of a DD Form 220 (Active Duty Report) in accordance with Army Regulation 635-5 (Personnel Separations – Separation Documents), paragraph 2-13e.
6. Orders 37-10, issued by the Military Entrance Processing Station (MEPS), Fort Jackson, SC on 24 February 1992, ordered the applicant to IADT for the purpose of completing AIT with a 24 June 1992 report date.
7. A letter issued by Company E, 1st Battalion, 228th Aviation, West Columbia, SC on 2 June 1992, to MEPS, Fort Jackson, SC, requests cancellation of the applicant's AIT training seat. The applicant's record is void of documents containing the specific facts and circumstances surrounding the training seat cancellation request.
8. Orders 120-24, issued by MEPS, Fort Jackson, SC on 17 June 1992, revoked order 37-10, pertaining to the applicant's IADT.
9. The applicant's record is void of a separation packet containing the specific facts and circumstances surrounding her discharge processing.
10. Orders Number 66-15, issued by Headquarters, 121st USAR Command, Birmingham, AL on 7 March 1995, discharged the applicant from the USAR effective 7 March 1995, under the provisions of Army Regulation 135-178 (Army National Guard and Army Reserve – Separation of Enlisted Personnel). Her service was uncharacterized.
11. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active duty service. Entry-level status for members of a Reserve component terminates (a) 180 days after beginning training if the Soldier is ordered to Active Duty Training (ADT) for one continuous period of 180 days or more; or (b) 90 days after the beginning of the second period of ADT if the Soldier is ordered to ADT under a program that splits the training into two or more separate periods of active duty.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant enlisted in the U.S. Army Reserve (USAR) on 31 May 1991. She was issued a memorandum for completion of basic combat training from 12 June 1991 to 16 August 1991, a period of 66 days. She was ordered to active duty for completion of active duty training; however, those orders were later revoked and the applicant did not attend or complete initial active duty training for award of a military occupational specialty. The applicant was discharged from the USAR on 7 March 1995 with an uncharacterized discharge. The Board concluded the applicant did not meet the regulatory guidance for issuance of a DD Form 214 and therefore denied her request.
2. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise. As a result, there is no basis for granting the applicant's request.
3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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. 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.

a. Paragraph 2-9 states 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.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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.

3. Army Regulation 135-178 sets forth the basic authority for the separation of enlisted Reserve Component personnel.

a. Paragraph 2-9a provides that an honorable characterization of service 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.

b. Paragraph 2-9b provides that a general (under honorable conditions) characterization of service is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

c. Chapter 5 prescribes criteria and procedures for separation of enlisted soldiers while in an entry level status. This policy applies to Soldiers who voluntarily enlisted in the Army National Guard of the United States or USAR, who have completed no more than 180 days of continuous and creditable active military service on their current enlistment by the date of separation.

4. Army Regulation 635-5 (Separation Documents), paragraph 2-1, provides the instructions for preparing the DD Form 214. This regulation provides that:

a. 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.

b. The DD Form 214 will be prepared for Reserve Component (RC) members completing initial ADT that results in the award of a military occupational specialty, even when the active duty period was less than 90 days.

c. The characterization or description of service is determined by directives authorizing separation.

5. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, set forth the basic authority for the separation of enlisted personnel.

a. It provides that an uncharacterized separation is an entry-level separation. A separation will be described as an entry-level separation if processing is initiated while a member is in an entry-level status (except when the characterization of under other than honorable condition is authorized), or when the Secretary of the Army, on a case-by-case basis, determines that an honorable discharge is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty.

b. A member of a Reserve component who is not on active duty, or who is serving under a call or order to active duty for 180 days or less, begins entry-level status upon enlistment in a Reserve component. Entry-level status of such a member of a Reserve component terminates (a) 180 days after beginning training if the Soldier is ordered to ADT for one continuous period of 180 days or more; or (b) 90 days after the beginning of the second period of ADT if the Soldier is ordered to ADT under a program that splits the training into two or more separate periods of active duty.

//NOTHING FOLLOWS//