

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 July 2024

DOCKET NUMBER: AR20230012360

APPLICANT REQUESTS: an upgrade of her general, under honorable conditions discharge to honorable.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 is requesting an upgrade of her discharge to honorable. She was told her discharge would be upgraded to honorable after six months and she did not need her DD Form 214 (Certificate of Release or Discharge from Active Duty) until May of 2022 when she tried to join the American Legion.
3. A review of the applicant's service record shows:
 - a. She enlisted Regular Army on 10 September 1982.
 - b. On 8 July 1983, the applicant was counseled by her immediate commander on her entitlements and responsibilities regarding her pregnancy per AR 635-200 (Enlisted Separations-Personnel Separations) Chapter 8 (Separation of Enlisted Women-Pregnancy) wherein she elected to separate for reason of pregnancy and further indicated she desired to remain on active duty through 1 September 1983.
 - c. On 15 July 1983, the applicant underwent a medical examination for the purpose of separation which indicated she was generally in good health. The applicant was marked qualified for separation.
 - Standard Form (SF) 88 (Report of Medical Examination)
 - SF 93 (Report of Medical History)

d. On 8 August 1983, consistent with the chain of command recommendation, the separation authority approved the discharge under the provisions of AR 635-200, Chapter 8. She would be issued a characterization of honorable and issued an Honorable Discharge Certificate (DD Form 256A).

e. On 1 September 1983, she was discharged from active duty. Her DD Form 214 shows she was discharged under the provisions of AR 635-200, Chapter 8, with a general, under honorable conditions characterization of service. She completed 11 months and 22 days of active service with no lost time. She was assigned separation code KDF and the narrative reason for separation listed as "Pregnancy," with reenlistment code 3. It also shows she was awarded or authorized the Army Service Ribbon and Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

4. By regulation (AR 635-200), a pregnant enlisted member may request to be separated with a specific separation date per Chapter 8. If member is beyond Entry Level Status, service will be characterized as honorable or under honorable conditions. Prior to characterization as under honorable conditions, the member shall be advised of the specific factors in the service record that warrant such a characterization and the notification procedure shall be used.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant was recommended for separation from active duty due to pregnancy. The separation authority approved the discharge and ordered that she would be issued a characterization of honorable and issued an Honorable Discharge Certificate (DD Form 256A). For unknown reasons, her DD Form 214 reflects a general discharge. Based on the available evidence, the Board determined an error had occurred.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant DD Form 214 to show her Character of Service: Honorable.

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

a. An honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the member'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. A general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a member whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Chapter 8 establishes policy and procedures and provides authority for voluntary separation of enlisted women because of pregnancy. A pregnant enlisted member may request to be separated with a specific separation date per Chapter 8. If the member is still in Entry Level Status, she will be given an entry level separation. If member is beyond Entry Level Status, service will be characterized as honorable or under honorable conditions. Prior to characterization as under honorable conditions, the member shall be advised of the specific factors in the service record that warrant such a characterization and the notification procedure shall be used.

3. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records (BCM/NRs) regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief based on equity, injustice, or clemency grounds, BCM/NRs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//