

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 June 2024

DOCKET NUMBER: AR20230012818

APPLICANT REQUESTS: an upgrade of her entry level separation (Uncharacterized) discharge to honorable.

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

- DD Form 149 (Application for Correction of Military Record), 17 August 2023
- Orders 160-202, Headquarters (HQ), Sixth U.S. Army, dated 15 September 1986

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. She swore in for the Army and spent all day at the Military Entrance Processing Station. Her recruiter did not send all her documents so she was not proceeding with entry. Had the documents arrived, she would have earned an honorable discharge.

b. She planned on a full military career and wanted to be the first female in her family to serve. It was an injustice that she could not move forward with her enlistment.

c. She went to work for the Federal Bureau of Prisons.

3. A review of the applicant's service records show:

a. On 15 November 1984, she enlisted in the U.S. Army Reserve (USAR).

b. On the same date, Military Entrance Processing Station (MEPS) issued her orders to Initial Active Duty Training (IADT) with a reporting date of 6 February 1985 to U.S. Army Reception Center, For Dix; and a reporting date of 5 April 1985 to Fort Lee for Advanced Individual Training.

c. On 18 July 1986, the Commanding Officer, 415th Replacement Detachment, General George S. Patton Jr. U.S. Army Reserve Center, notified her of his intent to separate her from 415th Replacement Detachment, for unsatisfactory performance, and advised her of her rights. The reasons for this notification were: she was scheduled to report to the 415th Replacement Detachment, during July 1985 upon completion of basic and military occupational specialty training. She failed to report to the 415th Replacement Detachment, request reassignment orders, or provide a current telephone number. All efforts made by personnel from the unit and the unit clerk to reach her by telephone were unsuccessful. She had the right to present at the next assembly on 2-3 August 1986, submit a rebuttal or statements in her own behalf, or she waive these rights by indorsement. She understood she would receive an entry level separation.

d. On the same date, her commander's notification memorandum was sent to her address by certified post with return receipt certification card.

e. On 24 July 1986, she signed and returned the receipt certification card.

f. On 25 July 1986, she responded by letter to her commander, writing that in February 1985 she was discharged from the Army prior to leaving for basic training in Dallas because she did not complete high school and was not issued a diploma. Her recruiter was searching for her discharge documents.

g. On 28 July 1986, the Administrative Officer, 415th Replacement Detachment, dated 28 July 1986, noted in a memorandum for record that she contacted her command by telephone on 24 July 1986, notifying her personnel officer that she had never been directed to attend IADT because she did not graduate from high school. Her recruiter told her she would receive discharge orders in the mail but she had not received them.

h. On 30 July 1986, the Administrative Officer, 415th Replacement Detachment, requested she be separated under provisions of Army Regulation 135-178 (National Guard and Army Reserve – Separation of Enlisted Personnel), Chapter 5.

i. On 15 September 1986, HQ, Sixth United States Army issued Orders 160-202, discharged her from the USAR (Ready) Component. The orders show:

- authority: Army Regulation 135-178, Chapter 5
- effective date: 15 September 1986
- Entry Level Status Separation
- no discharge certificate would be issued

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, 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 governing regulation provides that a separation will be described as an entry-level separation, with service uncharacterized, if the separation action is initiated while a Soldier is in entry-level status. Soldiers in the U.S. Army Reserve are authorized an honorable discharge while in entry-level status only if they complete their active duty schooling and earn their designated military occupational specialty. The applicant failed to complete initial entry training. The Board determined her U.S. Army Reserve discharge orders properly show the appropriate characterization of service as entry-level.

2. An entry-level separation 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.

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.

7/1/2024

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 135-178 (National Guard and Army Reserve – Separation of Enlisted Personnel), in effect at the time, established policies, standards, and procedures governing the administrative separation of enlisted Soldier from the Army National Guard of the United States and the United States Army Reserve.

a. Paragraph 1-17. Types of characterization of service. The types of separation as they affect characterization or description of service are honorable, under honorable conditions, under other than honorable conditions, and entry level status separation (uncharacterized).

b. Paragraph 1-20. Uncharacterized separations. A separation will be described as an entry level separation if separation processing is initiated while a Soldier is in an entry level status.

c. Chapter 5, paragraph 5-1. This chapter prescribes criteria and procedures for the separation of enlisted Soldiers while in an entry level status.

d. Paragraph 5-3. Procedures. Soldiers in an entry level status and all applicants for enlistment will be counseled that they may be separated should it be determined that they are unqualified for further military service by reason of unsatisfactory performance or conduct.

(1) When it is determined that a Soldier of the ARNG or USAR is unqualified for further military service, his or her immediate commander will advise the Soldier in writing of the proposed discharge and reasons using the notification procedure.

(2) If the Soldier cannot be notified of the proposed discharge, the notification letter will be mailed to the Soldier's last known address by certified mail.

(3) On receipt of the completed endorsement from the Soldier indicating that statements or rebuttal will not be provided, the ARNG unit or USAR TPU commander will determine if separation or retention is desired.

(4) If separation is desired the ARNG or USAR TPU commander will forward the notification letter with the Soldier's Military Personnel Records Jacket and endorsement to the separation authorities.

e. Characterization of service discharged under this chapter will be characterized as entry level separation.

3. An uncharacterized discharge is neither positive nor negative and it is not meant to be a negative reflection of a Soldier's military service. It merely means that the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise.

4. Army Regulation 635-200, in effect at the time, set 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.

a. 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.

b. Entry-Level status. Service will be uncharacterized.

c. For ARNG 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.

d. Chapter 4 provided Soldiers of the ARNGUS and the U.S. Army Reserve (USAR) ordered to active duty for a period in excess of 90 days will, upon release from active duty, revert to control of the appropriate Reserve Component.

(1) ARNG and USAR Soldiers who successfully complete a period of IADT to which ordered, will out-process per Army Regulation 612-201 (Personnel Processing).

(2) The service of Soldiers who are in entry-level status will be uncharacterized, even though they have completed their IADT successfully.

//NOTHING FOLLOWS//