

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 July 2024

DOCKET NUMBER: AR20230013698

APPLICANT REQUESTS: an upgrade of her uncharacterized discharge.

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 from the Armed Forces of the United States)
- DD Form 4 (Enlistment/Reenlistment Document), 8 April 2004
- Orders 08-030-00026, 30 January 2008

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. There is a discrepancy with her separation date, as she did not out-process from her assigned unit and did not receive separation documents.

b. She believes that she was not fully informed of her options to remain in the Army Reserve prior to being separated.

3. The applicant provides:

a. A DD Form 4 dated 8 April 2004, that shows she enlisted in the U.S. Army Reserve (USAR) for a period of 8 years.

b. Orders 08-030-00026 issued by Headquarters, 81st Regional Readiness Command on 30 January 2008, that show she was discharged from the USAR with an effective date of 29 February 2008, with an uncharacterized characterization of service.

4. A review of the applicant's service record shows:

- a. She enlisted in the USAR on 29 June 2000 for a term of 8 years.
- b. Orders 132-06 issued by Fort Jackson Military Entrance Processing Station on 12 July 2000, ordered the applicant to initial active duty for training (IADT) with a report date of 4 January 2001.
- c. DA Form 3349 (Physical Profile), dated 11 January 2001, shows the applicant was determined to be pregnant with a probable conception date of 5 December 2001.
- d. In a memorandum, dated 19 January 2001, the Fort Jackson liaison was authorized to release the applicant from active duty due to temporary medical disqualification (pregnancy).
- e. DD Form 220 (Active-Duty Report) shows that the applicant entered active duty on 4 January 2001 and departed on 25 January 2001, with 22 days of service.
- f. In a memorandum, dated 13 April 2001, subject: Election of Options Regarding Pregnancy shows the applicant elected discharge by reason of pregnancy.
- g. DA Form 4651 (Request for Reserve Component Assignment or Attachment), dated 1 May 2001, shows the applicant was requested to be transferred to the USAR Control Group, with an effective date of 1 June 2001. Additionally, it shows the applicant was not available for signature.
- h. Orders 136-35L issued by Headquarters, 81st Regional Support Command shows the applicant was discharged, effective 1 June 2001, from the USAR with an uncharacterized type of discharge.
- i. DD Form 4, dated 8 April 2004 shows the applicant re-enlisted in the USAR for a term of 8 years.
- j. Orders 08-030-00026 issued by Headquarters, 81st Regional Support Command show the applicant was discharged, effective 29 February 2008, from the USAR with an uncharacterized type of discharge.

4. The applicant's service record is void of any documentation that shows she successfully completed initial entry training (IET) or was awarded a military occupational specialty (MOS).

5. The applicant's service record is void of a DD Form 214 that shows any period of active duty.

6. By regulation, Soldiers separating from an inactive duty status do not receive a DD Form 214.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard 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 USAR and ARNG are authorized and honorable discharge while in entry-level status only if they complete their active-duty schooling and earn their MOS. Upon review of the applicant's petition and available military records, the Board determined the applicant completed 22 days, did not complete training and was release from active duty due to temporary medical disqualification (pregnancy). As such, her DD Form 214 properly shows the appropriate characterization of service as uncharacterized. Therefore, relief is denied.

2. An uncharacterized discharge is not derogatory; it is recorded when a Soldier has not completed more than 180 days of creditable continuous active duty prior to initiation of separation. It merely means the Soldier has not served on active duty 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.

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 (AR) 635-5 (Personnel Separations – Separation Documents), states:
  - 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. The DD Form 214 is not intended to have any legal effect on termination of a Soldier's service.
  - b. A DD Form 214 will not be prepared for soldiers found disqualified on reporting for active duty and who do not enter actively upon duties per orders. He or she will only receive a DD Form 220 (Active Duty Report).
  - c. The service of Soldiers in entry level status is normally described as uncharacterized.

//NOTHING FOLLOWS//