

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 August 2024

DOCKET NUMBER: AR20230014149

APPLICANT REQUESTS: amendment of his uncharacterized discharge to under honorable conditions (general) or under other than honorable conditions.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 2 June 1997

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 he was on active duty for more than 180 days. He has been employed by the Federal Government for about 8 years. His uncharacterized discharge is assumed to mean something bad, especially with block 24 (Character of Service) on his DD Form 214 stating "entry level performance and conduct." He never knew he could request this change until an ex-coworker informed him of the 180-day rule.
3. On 24 October 1996, the applicant enlisted in the Regular Army.
4. On 18 April 1997, the applicant's immediate commander counseled him on his failure to meet his course requirements and was advised that they would be recommending that he be administratively eliminated from service. He was also counseled on the entry level separation.
5. On 21 April 1997, the applicant's immediate commander notified the applicant that he was initiating action to separate him under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 11, paragraph 11-3a, for entry level status performance and conduct. As the specific reason, the commander cited the applicant's failure to meet the minimum requirements, to wit: failure to achieve

the minimum score of 70 on the English Comprehension Level (ECL) test within the required time.

6. On the same day, the applicant's commander formally recommended his separation from service, under the provisions of Army Regulation 635-200, Chapter 11.

7. The applicant acknowledged receipt of the separation notification on the same date. He waived his right to consult with counsel and elected to make a statement in his own behalf, in which he stated:

a. He would like to request that his separation be disapproved or suspended so he may remain on active duty. He has a bachelor's degree in accounting and is 27 years old. He is a mature person, serious in all the decisions that he makes. One of his big decisions was to be a part of the great Army family. He took this decision a few years ago, to continue a path of self-improvement and learning. His best goal is to work with the federal government like, FBI, CIA, DEA, agent. He always thought that the Armed Forces could help him in that facete.

b. When he arrived at the unit he began to work hard. This school has 34 books that make it impossible to study in 24 weeks. In the moment that he went to DLI, they put him in the book #4 and they gave him 24 weeks. In all the book quizzes, he had a score over 80% that he ended with an average of 86% in the book quizzes, he just arrived until the book #17, because that is all he could cover in that time. Each week they took a test named ECL. The ECL is a test that covers material of almost all the books. He started to study hard to pass the ECL, so he could qualify by the time he reached his 24 weeks. His instructor told him that he will have two ECL before he finishes with his 24 week and in the and that he could have his oral interview.

c. The pressure that he was going through not knowing if he would pass by week 23. He wanted to graduate and pass so he could go on to basic training and complete his goal of becoming a federal agent. He took the decision to prepare for the oral interview because he knew he would have another opportunity in week 24. It was bad luck for him because he had to take the ECL and the oral interview in the same day. Please give him the opportunity and allow him to continue with his goals of improvement on active duty in the ARMY that he has come to love. If, however, retention is not possible, please let me leave with a Chapter 13. If there is another alternative, please give him the chance to go to basic training. He passed all his tests and is in good mental and physical condition.

8. On 12 May 1997, the separation authority approved the recommended discharge and a waiver of further rehabilitative measures.

9. On 2 June 1997, the applicant was discharged accordingly. His DD Form 214 shows he was separated under the provisions of Army Regulation 635-200, Chapter 11, based on entry level status performance and conduct. He was credited with completing 7 months and 9 days of active service this period, his service was uncharacterized (Separation Code JGA and Reentry Code 3). He was not awarded a military occupational specialty and did not complete his first full term of service.

10. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active-duty service. The evidence of record shows the applicant was in an entry-level status at the time of his separation. As a result, his service was appropriately described as “uncharacterized” and his narrative reason for separation appropriately reflected “Entry Level Performance and Conduct” for this period of active service, in accordance with governing regulations.

11. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It simply means the Soldier was not in the Army long enough for his or her character of service to be rated as honorable or otherwise.

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 of record shows, while still in initial entry training, the applicant failed to meet minimum training requirements. As a result, his chain of command initiated separation action against him. He completed 7 months and 9 days of active service, did not complete initial entry training, and was not awarded an MOS. He was appropriately assigned an uncharacterized discharge due to entry level performance and conduct. Soldiers are considered to be in an entry-level status when separation is initiated within their first 180 days of active-duty service. The evidence of record shows the applicant was in an entry-level status at the time of his separation processing. As a result, his service was appropriately described as “uncharacterized” and his narrative reason for separation appropriately reflected “Entry Level Performance and Conduct” for this period of active service, in accordance with governing regulations. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It simply means the Soldier was not in the Army long enough for his or her character of service to be rated as honorable or otherwise.

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 635-200 sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:

a. An honorable discharge was a separation with honor. The honorable characterization was appropriate when the quality of the member's service generally had met the standards of acceptable conduct and performance of duty for Army personnel or was otherwise so meritorious that any other characterization would be clearly inappropriate.

b. A general discharge was a separation from the Army under honorable conditions. The regulation authorized separation authorities to issue a general discharge to Soldiers whose military record was satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Paragraph 3-9 (Uncharacterized Separations). Separation authorities were to describe a separation as entry-level, with service uncharacterized, if commanders-initiated separation processing while a Soldier was in entry-level status. The regulation additionally specified the Secretary of the Army, or designee, could grant a Soldier an honorable character of service, on a case-by-case basis, when clearly warranted by unusual circumstances involving personal conduct and performance of military duties.

(1) Effective 28 January 1982, the Department of Defense (DOD) established "entry-level status" in DOD Directive 1332.14 (Enlisted Administrative Separations).

(2) For active-duty service members, entry-level status began on the member's enlistment and continued until he/she had served 180 days of continuous active duty.

d. Chapter 11 sets policy and provides guidance for the separation of personnel because of unsatisfactory performance or conduct (or both) while in entry level status. It states when separation of a member in entry level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both) as evidenced by inability, lack of reasonable effort, or failure to adapt to the military environment, the member normally will be separated per this chapter. This separation policy applies to enlisted members of the Regular Army, who have completed no more than 180 days active duty on current enlistment by the date of separation, have demonstrated that they

are not qualified for retention for one or more of the following reasons: Cannot or will not adapt socially or emotionally to military life; cannot meet the minimum standards prescribed for successful completion of training because of lack of aptitude, ability, motivation or self-discipline; have demonstrated character and behavior characteristics not compatible with satisfactory continued service; or failed to respond to counseling.

//NOTHING FOLLOWS//