

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 March 2025

DOCKET NUMBER: AR20230014378

APPLICANT REQUESTS:

- in effect, an upgrade of her discharge from uncharacterized to honorable
- a telephonic appearance before the Board

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)

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, in effect, she is requesting an upgrade of her discharge from uncharacterized to honorable, so she qualifies for any benefits she may be entitled to, by the Department of Veterans Affairs (VA).
3. The applicant provides, and the available service record shows:
 - a. She enlisted in the Army Reserve on 4 March 1999.
 - b. On 6 July 2000, she was ordered to active duty.
 - c. On 31 August 2000, she received an uncharacterized discharge, pursuant Army Regulation 635-200 (Personnel Separations-Enlisted Personnel), chapter 11, entry level performance and conduct. Her rank/grade at the time was private first class (PFC)/E-3. She did not complete a military occupational specialty.
 - d. On 6 March 2007, she was honorably discharged from the U. S Army Reserve. Her rank/grade at the time was specialist (SPC)/E-4.

e. The record is void of any disciplinary and/or punitive actions, a separation packet or any evidence that may justify the applicant's uncharacterized discharge.

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. 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 found the applicant was separated under the provisions of AR 635-200, chapter 11, for entry-level performance and conduct, after serving less than 180 days of continuous active duty and prior to completing a military occupational specialty.

2. The Board acknowledged in accordance with regulatory guidance, Soldiers separated while in entry-level status are appropriately issued an uncharacterized discharge, which is not considered adverse but rather reflects the limited period of service. Although the applicant later continued her service in the Army Reserve and was honorably discharged in 2007, this subsequent honorable service does not retroactively alter the characterization of her 2000 separation. The Board agreed, the absence of disciplinary or punitive actions in her record does not provide a basis for changing the characterization, as the uncharacterized discharge was mandated by regulation for entry-level separations. Therefore, the Board found her discharge was proper and equitable at the time, and no error or injustice exists to warrant an upgrade to honorable. Relief is denied.

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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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.

X //SIGNED//

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 (Armed Forces), 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 Army Board for Correction of Military Records (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), currently in effect, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. 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. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. 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 635-200 (Personnel Separations-Enlisted Personnel), in effect at the time, provided the authority for separation of enlisted personnel upon expiration term of service, prior to Expiration Term of Service (ETS), and the criteria governing the issuance of honorable, general, and undesirable discharge certificates.

a. An honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. 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 Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A characterization of under honorable conditions may be issued only when the reason for separation specifically allows such characterization. It will not be issued to Soldiers solely upon separation at expiration of their period of enlistment, military service obligation, or period for which called or ordered to active duty.

c. A separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status except when the Soldier is on active duty with less than 181 days of continuous active military service, has completed Initial Entry Training (IET), has been awarded a Military Occupational Specialty (MOS), and has reported for duty at a follow-on unit of assignment.

c. Chapter 11 (Entry Level Status Performance and Conduct) sets policy and provides guidance for the separations of personnel because of unsatisfactory performance or conduct (or both) while in entry level status.

(1) Soldiers in entry-level status, undergoing IET, and, before the date of the initiation of separation action, have completed no more than 180 days of creditable continuous active duty or Initial Active Duty for Training (IADT).

(2) Have demonstrated that they are not qualified for retention due to the following conditions: 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; have failed to respond to counseling.

(3) Counseling and rehabilitation requirements. Counseling and rehabilitation requirements are essential when entry-level performance and conduct are the reason for separation. Military service is a calling different from any civilian occupation, and a Soldier should not be separated when this is the sole reason for separation unless efforts at rehabilitation have failed. Before initiating separation action, commanders will ensure that the Soldier receives adequate counseling and rehabilitation.

4. Army Regulation 635-5 (Separation Documents), prescribes the separation documents that must be prepared for soldiers on retirement, discharge, release from active-duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty). The DD Form 214 is a summary of a soldier's most recent period of continuous active duty. It provides a brief, clearcut 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.

//NOTHING FOLLOWS//