

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 September 2024

DOCKET NUMBER: AR20230014656

APPLICANT REQUESTS: upgrade his general discharge in the Army National Guard (ARNG) to honorable, under Secretarial Authority.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)

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 on his DD Form 293 "See attached briefs and exhibits." However, there were no attached briefs or exhibits
3. On 12 April 2023, a staff member of the Case Management Division, Army Review Boards Agency emailed the applicant and informed him that a review of his application does not contain the documents listed on his application. The staff member asked him to please provide a copy of the brief and exhibits. As of 20 September 2024, the applicant had not responded.
4. The applicant enlisted in the Indiana Army National Guard (INARNG) on 27 June 2000. He agreed to serve 6 of his 8 year statutory obligation in the AR NG and the remaining 2 in the Individual Ready Reserve.
 - a. The applicant entered active duty or training on 15 August 2000 and completed training for award of military occupational specialty 11B, Infantryman.
 - b. He was honorably released from active duty for training on 8 December 2000. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 3 months and 24 days of active service.

c. On release from active duty for training, he was transferred to the control of his ARNG unit, Company A, 2nd Battalion, 293rd Infantry, Indianapolis, IN.

d. The complete facts and circumstances surrounding his discharge from the ARNG are not available for review. However, the applicant's NGB Form 22 (Report of Separation and Record of Service) shows he was discharged on 1 March 2003 in accordance with paragraph 8-27w of National Guard Regulation (NGR) 600-200, Enlisted Administrative Separations) with a general, under honorable conditions discharge due to "Failure to Report to Gaining State Upon Interstate Transfer."

- He held the rank/grade of specialist/E-4, effective 4 April 2002
- He completed 2 years, 8 months, and 5 days of his 6-year commitment
- He was assigned Reentry Code 3
- He was transferred to the U.S. Army Reserve Control Group (Annual Training)

e. On 19 May 2004, the U.S. Army Human Resources Command published Orders transferring him from the U.S. Army Reserve Control Group (Annual Training) to the 2nd Battalion, 364th Regiment, 91st Division, effective 19 May 2004, under the control of 63rd Regional Command.

f. On 9 January 2007, an official at the U.S. Army Human Resources Command emailed the 63rd Regional Command to upload the applicant's discharge order from the U.S. Army Reserve, in IPERMS. Although the order was not uploaded, the applicant was discharged from the U.S. Army Reserve.

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 applicant's separation packet is not available for review. However, his NGB Form 22 shows he was discharged from the State ARNG due to his failure to report to the gaining unit following his interstate transfer. The State Adjutant General assigned him a general, under honorable conditions characterization of service. The Board found no error or injustice. Also, the applicant did not provide evidence he addressed this issue with the State ARNG. He also did not provide a justification for his discharge upgrade or respond to a request asking him for his submission. Finally, the applicant provided no evidence of post-service achievements or letters of reference of a persuasive nature in support of a clemency determination. Based on a preponderance of available evidence, the Board determined that the character of service the applicant received upon separation was not in error or unjust.

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. National Guard Regulation 600-200, Enlisted Administrative Separations, governs the separation of Army National Guard (ARNG) enlisted Soldiers. Chapter 8 (at the

time) sets the policies, standards, and procedures to separate enlisted Soldiers from the ARNG.

a. On separation from the ARNG, the Soldier's service will be characterized as honorable or as general, under honorable conditions, or the service is described as uncharacterized.

b. Honorable Discharge. An 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. An honorable characterization may only be awarded a Soldier upon completion of their service obligation, or where required under specific reasons for separation, unless an uncharacterized description is warranted

c. General Discharge: (under honorable conditions). If a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general, under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspect of the Soldier's conduct or performance of duty outweighs positive aspects of the Soldier's military record.

d. Paragraph 8-27(w), of the regulation in effect at the time, provides that ARNG enlisted Soldiers may be separated for failure to report to the gaining state upon interstate transfer.

//NOTHING FOLLOWS//