

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 August 2024

DOCKET NUMBER: AR20230014905

APPLICANT REQUESTS: correction of her U.S. Army Reserve records to show her discharge was honorable vice uncharacterized.

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

- DD Form 149 (Application for Correction of Military Record)
- U.S. Army Reserve Discharge Order, 30 March 2006

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 Department of Defense (DoD) records for her Army Reserve service for the period of 30 September 1997 to 25 January 2006 show a character of service as "Uncharacterized" vice "Honorable." She wants to confirm accuracy and completeness of her military records. This error has caused delays to obtain benefits based on her military service.
3. The applicant enlisted in the U.S. Army Reserve for 8 years on 30 September 1997.
  - a. She entered active duty for training on 6 January 1998 and completed training for award of military occupational specialty 95B, Military Police.
  - b. She was honorably released from active duty for training on 8 May 1998. Her DD Form 214 (certificate of Release or Discharge from Active Duty) shows she completed 4 months of active duty.
  - c. After her release from active duty, she returned to her U.S. Army Reserve unit, 314th Military Police Company, Irving, CA, where she was promoted to sergeant/E-5 in the U.S. Army Reserve on 3 October 2000.

d. Her service record contains multiple NCIO Evaluation Reports for the periods October 2000 through September 2001, and October 2001 through February 2002, reflective of a rating of Fully Capable (Performance) and Successful (Potential).

e. During March/April 2002, an investigation was initiated based upon allegations made by the applicant. The investigation is not available for review. She was removed from the Company and reassigned within the Battalion.

f. Her NCO Evaluation Report for the period March 2002 through June 2002 is a referred evaluation with negative ratings in the "Integrity" and "Competence."

g. There are no documents in her service record, and she provides none between June 2002 and January 2006.

h. The applicant was honorably discharged from the U.S. Army Reserve on 25 January 2006, in accordance with Army Regulation 135-178, Army National Guard and Army Reserve Enlisted Separations.

i. There are no documents in the applicant's service records that reflect an 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. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence to support the applicant's contentions for correction of her U.S. Army Reserve records to show her discharge was honorable vice uncharacterized. Based on the record being void any evidence showing the applicant received a uncharacterized discharge, the Board denied relief.

2. This board is not an investigative body. The Board determined despite the absence of the applicant's separation records, they agreed the burden of proof rest on the applicant, however, she did not provide any supporting documentation and her service record has insufficient evidence to support the applicant contentions for correction of her U.S. Army Reserve records to show her discharge was uncharacterized.

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 135–178, Army National Guard and Army Reserve Enlisted Administrative Separations, in effect in 2005, established policies, standards, and procedures governing the administrative separation of certain enlisted Soldiers of the Army National Guard and the United States Army. At separation, the following types of

characterization of service or description of separation are authorized under this regulation:

a. Separation with characterization of service as Honorable, General (under honorable conditions), or Under Other Than Honorable Conditions.

b. Separation with an uncharacterized description of service when separated in an entry level status; or by order of release from custody and control of the Army by reason of void enlistment; or by being dropped from the rolls of the Army. Service will be described as uncharacterized (entry level status) if separation processing is initiated while a soldier is in an entry level status, except in the following circumstances:

(1) When characterization under other than honorable conditions is authorized under the reason for separation and is warranted by the circumstances of the case; or

(2) The Secretary of the Army, or the Secretary's designated representative, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of military duty. This characterization is authorized when the soldier is separated—(a) By reason of selected changes in service (chap 5); or (b) For the convenience of the Government (chap 6); or (c) Under the Secretarial plenary authority (chap 14).

//NOTHING FOLLOWS//