

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 August 2024

DOCKET NUMBER: AR20230014909

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in:

- item 26 (Separation Code) JFL
- item 28 (Narrative Reason for Separation) Disability, Severance Pay

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 14 May 2021
- Department of Veterans Affairs (VA) letter, 14 September 2023

FACTS:

1. The applicant states in pertinent part that the conditions prompting her discharge from active duty are now considered as disabilities by the DVA with a combined rating of 80 percent disabling. He contests that the injuries he sustained are directly related to the service he performed and therefore, his DD Form 214 should be changed to reflect "JFL" rather than "JFV." He further adds that he contracted the COVID-19 virus while ordered to transport patients who previously tested positive for the virus. He now has permanent physical limitations because of it.

2. A review of the applicant's service records show:

- a. On 4 February 2019, the applicant enlisted in the Regular Army.
- b. On 30 April 2021, Headquarters, 101st Airborne Division (Air Assault) and Fort Campbell, KY, issued Orders Number 120-0221 reassigning the applicant to the transition point pending separation processing under the provisions of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), Chapter 5, Paragraph 5-17.
- c. On 14 May 2021, the applicant was honorably discharged from active duty. Her DD Form 214 shows she completed 2 years, 3 months, and 11 days; item 25

(Separation Authority) reflects: AR 635-200, Paragraph 5-17 (Other Designated Physical or Mental Conditions); item 26 and 28 (Separation Code and Narrative Reason for Separation) reflects "JFV – Condition, Not a Disability."

3. The applicant provides a VA letter dated 14 September 2023, reflective of him receiving a combined service-connected rating of 80 percent, effective 1 January 2023.

4. A review of the applicant's most recent Enlisted Record Brief dated 17 May 2021, provides that an 'Adverse Action (A) and Involuntary Separation or Discharge 'B' Suspension of Favorable Personnel Actions Flag (SFPA) was put in place on 5 October 2020. No additional information is available. Army Regulation 600-8-2 (Suspension of Favorable Personal Actions (Flag)), paragraph 4-5 (Initiate a Flag) provides that the flag will remain in effect until the Soldier is separated, discharged or retained.

5. Army Regulation (AR) 15-185 (ABCMR) paragraph 2-9 states 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.

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 review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the evidence shows the applicant served on active duty from 4 February 2019 to 14 May 2021 and was administratively discharged based on a condition, not a disability. The Board noted the applicant's contention that subsequent to her administrative discharge, she was rated by the Department of Veterans Affairs for conditions after her service. However, the Board determined the Department of Veterans Affairs rating determinations are based on the roles and authorities granted by Congress to the Department of Veterans Affairs and executed under a different set of laws. Based on this, the Board concluded there was no error or injustice in the administrative separation proceedings and denied relief.

2. As it relates to the applicant's request for amendment of her separation code and narrative reason for separation, the designated codes assigned to the applicant during her administrative separation were appropriate and the Board found no error or injustice in the codes as assigned and denied relief.

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. AR 635-200 (Active Duty Enlisted Administrative Separations), Paragraph 5-17 (Other Designated Physical or Mental Conditions) provides that Commanders may approve separation under this paragraph on the basis of other physical or mental conditions not amounting to disability and excluding conditions appropriate for separation processing that potentially interfere with assignment to or performance of duty. Such conditions may include, but are not limited to-

- Chronic airsickness
- Chronic seasickness
- Enuresis
- Sleepwalking
- Dyslexia
- Severe nightmares
- Claustrophobia
- Other disorders manifesting disturbances of perception, thinking, emotional control, or behavior sufficiently severe that the Soldier's ability to effectively perform military duties is significantly impaired. Soldiers with 24 months or more of active-duty service may be separated under this paragraph based on a diagnosis of personality disorder

a. When a commander determines that a Soldier has a physical or mental condition that potentially interferes with assignment to or performance of duty, the commander will refer the Soldier for a medical examination and/or mental status evaluation in accordance with AR 40-501 (Standards of Medical Fitness).

b. Separation processing may not be initiated under this paragraph until the Soldier has been counseled formally concerning deficiencies and has been afforded ample opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records.

2. AR 635-5 (Separation Documents) provides the policies and procedures regarding separation documents. 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. Item 25 (Separation Authority) will reflect the directives authorizing the separation. Item 26 and 28 (Separation Code and Narrative Reason for Separation) provides the correct separation code and reason from AR 635-5-1 and the authority.

3. AR 635-5-1 (Separation Program Designator Codes) prescribes the specific authorities (statutory, regulatory, and Department of Defense (DOD)/Army policy) and reasons for separating Soldiers from active duty. Also, it prescribes when to enter

separation program designator (SPD) codes on the DD Form 214 (Certificate of Release or Discharge from Active Duty). SPD Code "JFV" corresponds with Condition, not a disability and the regulatory authority is AR 635-200.

4. Title 38, United States Code, sections 1110 and 1131, permit the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered physically unfit for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by that agency.

5. AR 15-185 (ABCMR) paragraph 2-9 states 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.

//NOTHING FOLLOWS//