

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 August 2024

DOCKET NUMBER: AR20230014962

APPLICANT REQUESTS: an upgrade of his uncharacterized discharged to honorable.

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)
- 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 his discharge should be changed due to his completion of the United States Military Academy Preparatory School (USMAPA) and his honorable completion of his active duty service requirement.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Army Reserve on 20 July 2015.
 - b. The available service record is void of the applicant's active duty orders; however, the DD Form 214 shows he entered active duty on 20 July 2015.
 - c. A DA Form 4187 (Personnel Action) shows:
 - Item 8 (Other) - Resignation/Declination
 - Section IV (Remarks) – "Service member is separated IAW 635-200 Chapter 4, paragraph 4-1 and 4-2j. Cadet Candidate did not complete or meet USMAPS course requirements for consideration of admission to attend the United States Military Academy."

d. On 14 May 2016, he was discharged from active duty with an uncharacterized characterization of service. His DD Form 214 shows he completed 9 months and 25 days of active service with no lost time. He was assigned separation code KBK and the narrative reason for separation is listed as "Completion of Required Active Service," with reentry code 1. It also shows he was awarded or authorized: National Defense Service Medal.

4. By regulation (AR 635-8), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

5. By regulation (AR 635-200), a separation is described as an entry-level separation with service uncharacterized if processing is initiated while a member is in an entry-level status.

6. In reaching its determination, the Board can consider the applicants petition and his service record in accordance with the published equity, injustice, or clemency determination guidance.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was 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. The governing regulation provides that a separation will be described as an entry-level separation, with service uncharacterized, if the separation action is initiated while a Soldier is in entry-level status. Soldiers in the U.S. Army Reserve are authorized an honorable discharge while in entry-level status only if they complete their active duty schooling and earn their designated military occupational specialty. However, the Board found the applicant's circumstances unique in that he completed his first full term of service, was discharged for completion of required active service with a reentry code of 1 from the U.S. Military Academy Preparatory School, and served a period of 9 months and 25 days. Therefore, the Board determined by a preponderance of the evidence, the applicant's service should be characterized as honorable, despite not completing course requirements.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 14 May 2016 to show an honorable characterization of service.

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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 (Active Duty Enlisted Administrative Separations) in effect at the time, sets policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

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 separation is described as an entry-level separation with service uncharacterized if processing is initiated while a member is in an entry-level status.

c. Chapter 4 states a Soldier will be separated upon expiration of enlistment or fulfillment of service obligation. Paragraph 4-2j further noted Soldiers serving as cadets in military academies whose expiration of enlisted terms of service occur while the Soldier is serving in such capacity will be discharged or released, as appropriate.

3. Army Regulation 635-8 (Separation and Processing Documents) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

//NOTHING FOLLOWS//