

IN THE CASE OF: ██████████

BOARD DATE: 1 August 2024

DOCKET NUMBER: AR20240000056

APPLICANT REQUESTS: reconsideration of his previous request to change his Reentry (RE) Code from RE-4 to a better code.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20200007314 on 7 July 2021.

2. The applicant states he has proof he did not do what he was accused of. [Note: The applicant lists this proof as "Hair Follicle Test Results" but he does not provide such results].

3. Review of the applicant's service record shows:

a. The applicant enlisted in the Regular Army on 21 February 2017, for 3 years. He held military occupational specialty 11C (Indirect Fire Infantryman). He was promoted to E-2 on 1 August 2017. He was assigned to Fort Hood, TX.

b. The applicant's service record is void of the separation packet. The complete facts and circumstances surrounding his discharge are not available. However, his available records contain some documents related to his discharge:

(1) Memorandum, dated 9 July 2018, Subject: Separation Under Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), chapter 14-12c(2), Misconduct – Abuse of Illegal Drugs memorandum, signed by the Commander, 3rd Cavalry Regiment (Rear) reflective of the separation authority's action that stated he had reviewed the separation packet pertaining to the applicant, approved his separation, and directed the issuance of a general discharge.

(2) Orders Number 211-0108, issued by Headquarters, III Corps, Fort Hood on 30 July 2018, reassigning him for separation processing, with a report date of 6 August 2018, by authority of AR 635-200

(3) A DD Form 214 (Certificate of Release or Discharge from Active Duty), showing he was discharged, in pay grade E-2, on 6 August 2018, under the provisions of AR 635-200, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse). His service was characterized as general, under honorable conditions. This form also shows he completed 1 year, 5 months, and 16 days of net active service and he was awarded/authorized the National Defense Service Medal and Army Service Ribbon. He is assigned Separation Code JKK and RE-4.

c. There is no indication he petitioned the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.

d. On 7 July 2021, the Board considered and denied his request to change the RE Code. After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicants request, supporting documents, evidence in the records and regulatory guidance. The Board considered the applicant statement, his record of service, documents provided by the applicant, the frequency and nature of his misconduct and the reason for his separation. The Board found insufficient evidence of in-service mitigating factors for the misconduct that would warrant a change to the applicant's RE-Code. The Board denied relief and voted the reentry code remain the same.

5. By regulation (AR 635-5-1) enlisted Soldiers involuntarily separated under chapter 14-12c of AR 635-200 for drugs abuse are assigned Separation Program Designated (SPD) Code JKK. The SPD/RE Cross Reference Table in effect at the time of his discharge stated SPD Code JKK has a corresponding RE Code of 4.

6. By regulation (A 601-210 (Regular Army and Army Reserve Enlistment Program):

- RE-1 – applied to persons who completed an initial term of active service who were fully qualified for enlistment when separated
- RE-3 – applied to persons who were not qualified for reentry or continuous service at the time of separation, but the disqualification was waivable
- RE-4 – applied to persons separated from the last period of service with a non-waiverable disqualification and ineligible for enlistment

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 service record is void of the separation packet and the complete facts and circumstances surrounding his discharge are not available. However, his DD Form 214 showing he was discharged, in pay grade E-2, under the provisions of AR 635-200, paragraph 14-12c(2), by reason of Misconduct (Drug Abuse). His service was characterized as general, under honorable conditions. He is assigned Separation Code JKK and RE-4. The Board noted that enlisted Soldiers separated under the provision of chapter 14-12c of AR 635-200 due to drug abuse are assigned Separation Code JKK. This Separation Code has a corresponding RE Code of 4. The Board note that this RE Code is correctly listed on his DD Form 214 and the applicant has not provided evidence to show it is 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 to amend the decision of the ABCMR set forth in Docket Number AR20200007314 on 7 July 2021.

8/1/2024
X [REDACTED]
CHAIRPERSON [REDACTED]

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. Army Regulation 635-8 (Separation Processing and 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. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty.
2. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It states the SPD code "JKK is the appropriate code to assign to Soldiers separated under the provisions of Army Regulation 635-200, paragraph 14-12c, by reason of drug abuse. The SPD/RE Code Cross Reference Table stipulates that a RE-4 code will be assigned to members separated under these provisions with an SPD code of "JKK."
3. Army Regulation 601-210 (Active and Reserve Components Enlistment Program), covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army and the U.S. Army Reserve. Table 3-1 included a list of the Regular Army RE codes:
 - a. RE-1 applies to Soldiers completing their term of active service who are considered qualified to reenter the U.S. Army. They are qualified for enlistment if all other criteria are met.
 - b. RE-3 applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. They are ineligible unless a waiver is granted.
 - c. RE-4 applies to Soldiers who are separated from their last period of service with a nonwaivable disqualification. They are ineligible for enlistment.

//NOTHING FOLLOWS//