

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2024

DOCKET NUMBER: AR20240000365

APPLICANT REQUESTS:

- reconsideration of her previous request for correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her service was characterized as honorable
- a telephonic/video appearance before the Board

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 30 April 1996

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 AR20160015279 on 28 March 2019.

2. The applicant states she needs the word "honorable" printed on her DD Form 214 for the Department of Motor Vehicles, because only military personnel can understand her DD Form 214.

3. A review of the applicant's service record shows:

a. She enlisted in the Regular Army on 22 March 1996.

b. The applicant's available record does not contain her separation packet. She was discharged under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 11, for Entry Level Performance and Conduct with an uncharacterized characterization of service on 30 April 1996. She completed 1 month and 9 days of active service.

c. The applicant was granted a waiver for prior service, enlisted in the U.S. Army Reserve (USAR), and ordered to initial active duty for training (IADT) on 10 July 1998.

d. Orders 01-241-003 issued by Headquarters, 90th Regional Support Command, discharged the applicant from the USAR, effective 29 August 2001 with an uncharacterized discharge.

4. On 18 March 2020, the Army Board of Correction for Military Records (ABCMR) denied the applicant's request to upgrade her characterization of service from uncharacterized to honorable, upon finding the evidence did not demonstrate the existence of a probable error or injustice.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. 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.

a. The evidence shows the applicant served on active duty from 22 March 1996 to 30 April 1996. Although her separation packet is not available for review, other evidence shows she was separated under the provisions of AR 635-200, chapter 11, for Entry Level Performance and Conduct with an uncharacterized discharge. She completed 1 month and 9 days of active service. An uncharacterized discharge is given to individuals who separate prior to completing 180 days of military service, or when the discharge action was initiated prior to 180 days of service. Therefore, the Board determined the character of service the applicant received is not in error or unjust.

b. The evidence further shows the applicant enlisted in the U.S. Army Reserve (USAR) and ordered to initial active duty for training (IADT) on 10 July 1998. There is no evidence she completed initial entry training and/or was awarded an MOS. Although her separation packet is not available, the Board noted that her discharge from the Reserve on 29 August 2001 with an uncharacterized discharge seems appropriate. She did not provide a convincing argument or supporting evidence to show an error or an injustice.

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 AR20160015279 on 28 March 2019.

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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, USC, Section 1552(b), provides that applications for correction of military records must be filed within three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR may,

in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. AR 635-200 sets forth the basic authority for the separation of enlisted personnel. Chapter 11 provides for the separation of personnel in an entry level status for unsatisfactory performance or conduct as evidenced by inability, lack of reasonable effort or a failure to adapt to the military environment. These provisions apply only to individuals whose separation processing is started within 180 days of entry into active duty. An uncharacterized separation is mandatory under this chapter.

//NOTHING FOLLOWS//