

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 April 2025

DOCKET NUMBER: AR20240000452

APPLICANT REQUESTS: in effect, correct his DD Form 214 (Report of Separation from Active Duty) by changing the following:

- Item 9c (Authority and Reason) – favorably revise the regulatory authority for separation and the separation program designator (SPD) code
- Item 10 (Reenlistment Code) – delete RE-3 and replace with RE-1
- Item 27 (Remarks) – remove "Marginal or Non-Productive Performance (Trainee Discharge Program)"

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 293 (Application for the Army Discharge Review Board)
- DD Form 214

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, in effect:

- During his early childhood, he suffered from a developmental delay, and, as a result, they placed him in special studies; his symptoms continued until his early adult years
- The applicant wanted to serve his country and, during his enlistment, he hoped to gain a better understanding of, and achieve more control over, the symptoms of mental disability, ADHD (Attention – Deficit/Hyperactivity Disorder), slow learning disabilities, and PTSD (post-traumatic stress disorder)
- His basic combat training (BCT) commander suggested the applicant be relieved of his duties and receive

- an honorable discharge; after his separation, the applicant sought medical attention; unfortunately, all of his medical records from that period were lost during Hurricane Katrina
- He has since been able to control his behavioral health symptoms, and he now seeks to gain full access to his Department of Veterans Affairs (VA) benefits; recently he tried to obtain a certificate of eligibility (COE) for a home loan, and the VA suggested he apply to the ABCMR for relief

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

- On 30 November 1976, the applicant enlisted into the Regular Army for 3 years; orders immediately transferred him to Fort Gordon, GA (renamed Fort Eisenhower); he arrived at his BCT unit, on or about 3 December 1977
- Between 12 and 17 January 1977, the applicant's BCT leadership counseled him twice for being unprepared for inspection; showing great difficulty reading and writing; and displaying a poor attitude
- On 25 January 1977, the applicant's BCT commander advised him he was initiating separation action against the applicant, under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), paragraph 5-39 (Trainee Discharge Program (TDP))
- In his memorandum, the commander specifically identified the reasons for separation as the applicant's poor attitude; the absence of a desire to improve and meet minimum training standards; and demonstrated deficiencies in attitude, motivation, and self-discipline
- On 25 January 1977, the applicant acknowledged his commander's notification and indicated he did not intend to submit matters in rebuttal
- On 26 January 1977, the applicant's battalion commander interviewed the applicant and noted the applicant was a slow learner, had difficulty reading, and felt frustrated with himself for being unable to keep up mentally
- The applicant said he wanted to stay in the Army, but the battalion commander opined the applicant lacked the ability to pass BCT and become a productive Soldier
- On 27 January 1977, the separation authority approved the commander's separation recommendation and directed the applicant's honorable discharge
- The applicant's DD Form 214 shows he completed 2 months and 2 days of his 3-year enlistment contract; item 9c states, "Para 5-39, AR 635-200, SPD: JEM (see item 27); item 10 lists reenlistment code as "RE: 3"; item 27 shows, "Marginal or Non-Productive Performance (Trainee Discharge Program)"

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the events leading to the applicant's separation, the Board concluded there was insufficient evidence of an error or injustice warranting any change to the applicant's military record. The Board found the current entries on the applicant's DD Form 214 accurately reflect the events leading to the separation, as well as regulatory guidance for those events.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

|      |      |      |                      |
|------|------|------|----------------------|
| :    | :    | :    | GRANT FULL RELIEF    |
| :    | :    | :    | GRANT PARTIAL RELIEF |
| :    | :    | :    | GRANT FORMAL HEARING |
| :XXX | :XXX | :XXX | 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.

**//SIGNED//**

**X**

CHAIRPERSON

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 (AR) 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, prescribed policies and procedures for enlisted administrative separations. Paragraph 5-39 (Trainee Discharge Program) stated:

a. The Trainee Discharge Program provided commanders the opportunity to expeditiously discharge individuals who lacked the necessary motivation, discipline, ability, or aptitude to become productive Soldiers when they met the following additional criteria:

- Voluntarily enlisted into the Regular Army, Army National Guard, or Army Reserve
- Were in basic combat training or advanced individual training; at a service school; or participating in on-the-job-training prior to the award of a military occupational specialty
- Completed no more than 179 days of active duty or initial active duty for training
- Demonstrated an inability to adapt socially or emotionally to military life; inability to meet minimum standards for training due to a lack of aptitude, ability, motivation, or self-discipline; displayed military-incompatible character or behavior traits; failure to meet moral, mental, or physical standards

b. It was contrary to the intent of the policy for commanders to use this paragraph as a substitute for appropriate administrative action under paragraph 5-38 (Concealment of Arrest Record); chapters 13 (Separation for Unfitness or Unsuitability) or 14 (Fraudulent Entry); section VI (Conviction by Civil Courts), AR 635-206 (Misconduct (Fraudulent Entry, Conviction by Civil Court, and Absence Without Leave or Desertion)); processing through medical channels due to physical or mental defects; or other appropriate disciplinary action.

c. The commanders were required to notify the affected Soldier in writing, and the notification was to specifically state the reasons for the separation action. The affected Soldier was to acknowledge the notification via indorsement and the commander was then to forward his/her letter and the acknowledgement through command channels to the separation authority.

d. If the affected Soldier does not offer a rebuttal, the commander exercising special court-martial authority could direct the Soldier's discharge; transfer processing activities were required to issue the Soldier an honorable discharge certificate.

3. AR 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for the completion of the DD Form 214. To find entries for the separation program designator (SPD), DD Form 214 preparers were to review AR 635-5-1 (SPD). The reenlistment (RE) code for item 10 was found in AR 601-280 (Army Reenlistment Program).

4. AR 635-5-1, in effect at the time, stated Soldiers separated under the provisions of Department of the Army Message DAPE-MPE 011510Z Aug 1973 (i.e., paragraph 5-39), AR 635-200 received "JNF" for their SPD; the SPD subsequently changed to "JEM." The associated narrative reason for separation was "Trainee Discharge Program (TDP) Marginal or Nonproductive."

5. AR 601-280, in effect at the time, included guidance on RE codes:

a. Paragraph 2-23 (Persons Ineligible for Immediate Reenlistment). Persons discharged under the TDP in AR 635-200 required a waiver to reenter Army service.

b. Appendix D (RE Codes) stated: RE-1 applied to former Soldiers who were qualified for reentry; RE-3 was issued to former Soldiers who had a waivable disqualification.

6. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states:

a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.

b Paragraph 2-9 (Burden of Proof) states:

(1) The ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

(2) The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

//NOTHING FOLLOWS//