

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 October 2024

DOCKET NUMBER: AR20240000936

APPLICANT REQUESTS:

- correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show the character of her service as honorable instead of uncharacterized
- personal 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
- Department of Veterans Affairs (VA) Rating Decision

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 she was discharged for various medical conditions. She is receiving service-connected disability compensation for these conditions. Not having an honorable discharge has affected her ability to gain employment. She joined the Army in August 2004 and during the seventh week of basic combat training, she fractured her pelvic bone. She was running on the track when all of a sudden she was stopped in her tracks with horrific pain. Not until the next day, after going through physical training and an obstacle course, was she able to go to the emergency room. The doctor immediately concluded that her pelvic bone was fractured. She was eventually given a medical discharge. She proceeded to apply for VA disability compensation for her knee issues and pelvic fracture. She is currently receiving service-connected disability compensation with an 80% rating.
3. The applicant enlisted in the Regular Army on 4 August 2004.

4. The applicant's Medical Evaluation Board (MEB) Narrative Summary shows that while attending basic combat training, she sustained a right pubic ramus stress fracture. On 27 September 2004, she was sent home on convalescent leave. Upon her return on 29 October 2004, she started physical therapy. She was reevaluated on 12 November 2004 and an MEB was initiated due to a poor prognosis for return to duty. The MEB recommended her referral to a Physical Evaluation Board (PEB) for probable separation from the military.

5. On 23 December 2004, a PEB found the applicant unfit for further military service due to right inferior and superior pubic ramus stress fracture sustained in basic combat training. The PEB recommended a 0% disability rating and her separation with severance pay.

6. The applicant's DD Form 214 shows she was discharged on 13 January 2005 under the provisions of Army Regulation 635-40 (Disability Evaluation for Retention, Retirement, or Separation), chapter 4, by reason of disability, severance pay with an uncharacterized character of service. The DD Form 214 further shows in:

- block 11 (Primary Specialty), she was not awarded a military occupational specialty
- block 12c (Net Active Service this Period), she was credited with 5 months and 10 days of active service.

7. The applicant provided a VA rating decision showing she is receiving service-connected disability compensation for various conditions.

8. MEDICAL REVIEW:

1. The Army Review Boards Agency (ARBA) Medical Advisor reviewed the supporting documents, the Record of Proceedings (ROP), and the applicant's available records in the Interactive Personnel Electronic Records Management System (iPERMS), the Health Artifacts Image Management Solutions (HAIMS) and the VA's Joint Legacy Viewer (JLV). Essentially, the applicant requests change in characterization of service from Uncharacterized to Honorable due to medical disability. She states that she was discharged due to several medical conditions. She lists pelvic fracture and both knees.

2. The ABCMR ROP summarized the applicant's record and circumstances surrounding the case. The applicant entered the Regular Army on 04Aug2004. She was discharged on 13Jan2005 under provisions of AR 635-40 para 4-24B(3) for disability with severance pay.

3. Summary of medical records

a. The 07Dec2004 MEB NARSUM indicated that the applicant sought care for right groin pain on 21Sep2004 during the 6th week of basic training. She had onset of the pain while running. 27Sep2004 films revealed proximal right superior and mid right inferior pubic rami stress fractures. Follow up films on 12Nov2004 showed the stress fractures were healing. However, despite appropriate conservative measures to include physical therapy, pain persisted and interfered with performance of duties. During the MEB exam, there was normal full hip ROM. However, pain was noted during internal and external rotation of the hip. The MEB determined that the condition failed retention standards of AR 40-501 chapter 3-41e(1). The PEB convened 23Dec2004 found that the Right Inferior and Superior Pubic Ramus Stress Fracture condition was unfitting for continued service. The condition was rated at 0% under code 5099 5003. The applicant concurred with the PEB findings and waived a formal hearing of her case. The 05Jul2022 VA Rating Decision showed service connection for Residuals of Right Inferior and Posterior Pubic Ramus Stress Fracture rated under code 5252 at 0% effective 14Jan2005. The rating was increased to 10% effective 21Dec2021.

b. Concerning the knees, the 15Nov2004 Report of Medical History (DD Form 2807-1) and Report of Medical Examination (DD Form 2808) for the medical board did not reveal knee problems. In the 07Dec2004 MEB NARSUM, the knee exams were normal. The VA Rating Decision narrative indicated that Left Knee Strain was established as a secondary condition due to the right hip condition. The VA Rating Decision also revealed that service connection was established for Right Knee Retropatellar Pain Syndrome under code 5299-5257 at 0% effective 14Jan2005.

4. There were very few service treatment records available for review in the electronic medical record. Based on review of available records, the right hip stress fractures condition failed medical retention standards. There was insufficient evidence to support that there were other conditions which failed medical retention standards of AR 40-501 chapter 3 at the time of discharge. Both the VA Rating Decision and the PEB Proceedings showed agreement in that each showed one 0% rating for the hip stress fractures condition effective at discharge from service. No error was found for the 0% rating based on VASRD (VA Schedule for Rating Disabilities) principles. The applicant had less than 6 months of time in service. The PEB recommended disposition was separation with severance pay (if otherwise qualified) at 0% as the total disability rating was less than 30%.

BOARD DISCUSSION:

1. The Board found the available evidence sufficient to consider this case fully and fairly without a personal appearance by the applicant.

2. The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for consideration of discharge upgrade requests. The Board considered the applicant's statement, her record of service, and the reason for her separation. The Board concurred with the conclusion of the medical advising official regarding the outcome of her Disability Evaluation System processing being proper. The evidence confirms the applicant was in an entry-level status when she was discharged, and her service was uncharacterized in accordance with the governing regulation. Based on a preponderance of the evidence, the Board determined the applicant's uncharacterized service is not 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 for correction of the records of the individual concerned.

4/1/2025

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 635-200 (Active Duty Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted personnel. The regulation in effect at the time states in:

a. Paragraph 3-7, an honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the Soldier'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. Only the honorable characterization may be awarded a Soldier upon completion of his/her period of enlistment or period for which called or ordered to active duty or active duty training or where required under specific reasons for separation, unless an entry-level status separation (uncharacterized) is warranted.

b. Paragraph 3-9, a separation would be described as entry level with uncharacterized service if processing was initiated while a Soldier was in an entry-level status, except when:

(1) An under other than honorable conditions characterization is authorized under the reason for separation and is warranted by the circumstances of the case.

(2) Headquarters, Department of the Army, on a case by case basis, determined a characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by reason of selected changes in service obligation, for convenience of the government, and under Secretarial plenary authority.

(3) The Soldier has less than 181 days of continuous active military service, has completed Initial Entry Training, has been awarded a military occupational specialty, and has reported for duty at a follow-on unit of assignment.

c. Glossary-Section II (Terms), for Regular Army members, entry level status is defined as the first 180 of continuous active duty.

3. Army Regulation 15-185 (ABCMR) provides Department of the Army policy, criteria, and administrative instructions regarding an applicant's request for the correction of a military record. Paragraph 2-11 states 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.

//NOTHING FOLLOWS//