

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 October 2024

DOCKET NUMBER: AR20240000978

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her uncharacterized service as honorable or under honorable conditions (general) and an appearance before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- self-authored statement
- DD Form 214, for the period ending 1 March 2002

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:

a. She was told she would receive a general discharge which would be upgraded to honorable after six months. Her conduct was exemplary, and she undertook every task with all she had. She fell ill in advanced individual training, which required her to be hospitalized. She had a lack of energy while recovering, and depression set in. She was placed on suicide watch and was pressured by the Army to go home. Her out-processing was rushed. She was not allowed time to read all the documents she signed. She was made to sign that she did not want a medical examination and that she was leaving the Army due to "lack of motivation" and "inability to adapt," none of which was true. With proper counseling, she could have made a full recovery and served for 20 years.

b. When she left Fort Gordon, someone took her bag on the way to the airport. Her identity was stolen. The issue was not resolved until she was 26 years old. During those years, she sought mental health therapy, had no ability to get insurance, went into debt trying to get help, and fell into a deep depression. She has post-traumatic stress disorder (PTSD), anxiety disorder, and major depressive disorder. None of these issues existed prior to her service. Her character of service has been a battle for over 20 years. The Department of Veterans Affairs (VA) recognizes her service as honorable. However, she is unable to obtain an Oregon State VA home loan with an uncharacterized discharge.

3. The applicant enlisted in the Regular Army on 5 September 2001 for a 4-year period.

4. The applicant was formally counseled by her drill sergeant on 19 February and 21 February 2002 for lack of motivation and for losing her composure in a conversation with her drill sergeant about events that conspired over the weekend of 15 February to 18 February 2002. The applicant informed her drill sergeant, in effect, that she got drunk over the weekend and cheated on her boyfriend. When she told her boyfriend, he stated if she did not come home in the next two weeks she would never see him again. The applicant further informed her drill sergeant that she lived her life around her boyfriend and there was no reason for her to be "here" anymore.

5. The applicant was formally counseled by her immediate commander on 22 February 2002 regarding her lack of motivation to perform and complaints that the military was not for her. She stated she was unhappy with the military, and she made a mistake coming in. The commander stated the applicant showed no indication that she was willing to be a team player or support her fellow Soldiers and chain of command. Her pattern of conduct showed she had not adapted to military life, rules, and regulations. The applicant initialed a statement that she was "mentally immature to handle and cope with military life," and she agreed with the information discussed in the counseling.

6. On that same date, the applicant's immediate commander notified her that she was initiating action to separate the applicant under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 11, for entry level status performance and conduct. As the specific reason, the commander stated the applicant could not or would not adapt socially or emotionally to military life.

7. The applicant acknowledged receipt of the proposed separation notification and further acknowledged understanding that, if approved, she would receive an entry level separation with uncharacterized service. She elected not to consult with appointed counsel; she did not desire to make a statement in her own behalf; she did not request a separation physical.

8. On 25 February 2002, the applicant's immediate commander formally recommended her separation from the U.S. Army under the provisions of Army Regulation 635-200, Chapter 11, for failure to adapt to the military environment.

9. On that same date, the separation authority approved the recommended separation action and directed the issuance of an entry level separation (uncharacterized).

10. The applicant was discharged on 1 March 2002, under the provisions of Army Regulation 635-200, Chapter 11, by reason of entry level performance and conduct. Her DD Form 214 shows her service was uncharacterized. She completed 5 months and 27 days of net active service. She was not awarded a military occupational specialty.

11. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active duty service. The evidence of record shows the applicant was in an entry-level status at the time of her separation. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It simply means the Soldier was not in the Army long enough for his or her character of service to be rated as honorable or otherwise.

12. The Board should consider the applicant's argument and/or evidence in accordance with the published equity, injustice, or clemency determination guidance.

13. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting a correction of her DD Form 214 to show her uncharacterized service as honorable. She contends mental health conditions including PTSD are related to her request. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following: 1) The applicant enlisted in the Regular Army on 5 September 2001; 2) The applicant was discharged on 1 March 2002, Chapter 11, by reason of entry level performance and conduct. Her DD Form 214 shows her service was uncharacterized, with separation code JGA and reentry code RE-3. She completed 5 months and 27 days of net active service. She was not awarded a military occupational specialty.

b. The Army Review Boards Agency (ARBA) Medical Advisor reviewed the available supporting documents and the applicant's available military service records. The VA's Joint Legacy Viewer (JLV) was also examined. No additional medical records were provided for review.

c. The applicant asserts she was experienced mental health conditions including PTSD while on active service, which mitigates her discharge. There is insufficient

evidence the applicant reported or was diagnosed with a mental health disorder while on active service.

d. A review of JLV provided evidence the applicant began to engage with the VA in August 2023. She has been provided behavioral health treatment since September 2023. She reported experiencing mental health concerns prior, during, and after her military service. Per her report, she experienced multiple mental health conditions for various reason throughout her life, and the focus of her VA behavioral health therapy has been primarily directed toward her better managing her current life stressors. The applicant does not receive any service-connected disability for a mental health condition. No additional medical documentation was provided for review.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence to support the applicant had a condition or experience that mitigates the reason for her separation.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts she experienced mental health conditions including PTSD which mitigates her discharge. She was diagnosed with PTSD by the VA in 2023, but the potentially traumatic event resulting in her symptoms of PTSD was not determined to be related to military service.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts she experienced mental health conditions including PTSD while on active service, which mitigates her discharge.

(3) Does the condition experience actually excuse or mitigate the misconduct? No, there is insufficient evidence beyond self-report the applicant experienced a mental health condition including PTSD, while she was on active service. The applicant was experiencing difficulty adjusting to military life, and she was discharged prior to completing her initial training. Therefore, there is insufficient evidence from a behavioral health perspective to recommend changing the applicant's discharge at this time. Yet, the applicant contends she was experiencing a mental health condition that mitigates her discharge, and per Liberal Consideration her contention alone is sufficient for the board's consideration.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.

2. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement and record of service, the frequency and nature of the applicant's counseling, the reason the Commander initiated separation actions and her discharge for entry level performance and conduct in 2003. The Board noted that the applicant did not complete initial training and was not awarded an MOS. The Board considered the review and conclusions of the medical advising official, the applicant's contention that she suffered from PTSD during her service, her engagements with the VA and PTSD diagnosis in 2023 and the four Kurta questions. The Board concurred with advising official's conclusion that there is insufficient evidence of a behavioral health condition during service that would warrant a change to her separation reason and characterization. Based on a preponderance of the evidence, the Board concluded that the characterization of service the applicant received upon separation was not in error or unjust.

3. The Board considered the applicant's request for a personal appearance but determined that there was sufficient documentation available to render a fair and equitable determination without an appearance.

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.

4/28/2025


XCHAIRPERSON


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 (USC), 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 Army Board for Correction of Military Records (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. Section 1556 of Title 10, USC, requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (ARBA) be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to ABCMR applicants (and/or their counsel) prior to adjudication.
3. Army Regulation 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 has the discretion to hold a hearing; applicants do not have a right to appear personally before the Board. The Director or the ABCMR may grant formal hearings whenever justice requires.

4. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel.

a. Chapter 3 provides that a separation will be described as entry level with uncharacterized service if the Soldier has less than 180 days of continuous active duty service at the time separation action is initiated.

b. Paragraph 3-7a provides that 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.

c. Paragraph 3-9, in effect at the time of the applicant's separation, provided that 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) a discharge under other than honorable conditions was authorized, due to the reason for separation and was warranted by the circumstances of the case; or

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

d. Chapter 11 provides for the separation of personnel because of unsatisfactory performance or conduct (or both) while in an entry-level status. When separation of a Soldier in an entry-level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both) as evidenced by inability, lack of reasonable effort, or failure to adapt to the military environment, he or she will normally be separated per this chapter. Service will be uncharacterized for entry-level separation under the provisions of this chapter.

e. The character of service for Soldiers separated under this provision would normally be honorable but would be uncharacterized if the Soldier were in an entry-level status. An uncharacterized discharge is neither favorable nor unfavorable; in the case of Soldiers issued this characterization of service, an insufficient amount of time would have passed to evaluate the Soldier's conduct and performance.

5. On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to

Discharge Review Boards (DRB) and Boards for Correction of Military/Naval Records (BCM/NR) when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

6. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, BCM/NRs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//