

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 October 2024

DOCKET NUMBER: AR20240001036

APPLICANT REQUESTS: in effect, his uncharacterized service be characterized as honorable.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Veterans Affairs (VA) Information Report

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 he was medically separated. Correction is warranted because he served honorably and is in need of medical benefits.
3. The applicant enlisted in the Army National Guard (ARNG) on 26 October 2010.
4. He entered active duty for training (ADT) on 15 February 2011, for the purpose of completing initial entry training. However, his service record shows he neither completed training nor was awarded a military occupational specialty.
5. A DA Form 4707 (Entrance Physical Standard Board (EPSBD) Proceedings) dated 7 March 2011, notes the applicant was a 23-year-old male who reported symptoms of depression which include: anger, lack of motivation, poor concentration, increased irritability, and loss of appetite. His reported symptoms of depression and anger have worsened within the last two weeks. The applicant reported a chaotic childhood development with one suicidal attempt two years ago. The applicant was diagnosed with depressive disorder not otherwise specified (NOS) (existed prior to service (EPTS) by history) and pervasive development disorder NOS (EPTS by history). It was advised

that the applicant not be assigned to isolated areas where definitive medical care was not available, nor could he have access to sharps or weapons.

6. The EPSBD recommended the applicant be discharged from the Army, for failure to meet medical procurement standards, in accordance with Army Regulation 40-501 (Standards of Medical Fitness), Chapter 2, paragraph 2-27(d)(a). EPTS. The applicant did not meet medical retention standards.

7. On 15 March 2011, the applicant acknowledged the EPSBD findings and further acknowledged that he had been advised that legal counsel from an attorney employed by the Army was available to him or he could consult civilian counsel at his own expense. He could request discharge from the Army without delay or request retention on active duty. He concurred with the proceedings and requested discharge from the Army without delay.

8. The applicant's commander recommended his separation from the Army. The separation authority approved the recommendation on 17 March 2011.

9. The applicant was discharged on 23 March 2011. He was credited with 1 month and 9 days of net active service this period. His DD Form 214 contains the following entries in:

- item 23 (Type of Separation) – Release from ADT and discharge from the Reserve of the Army and return to ARNG
- item 24 (Character of Service) – Uncharacterized
- item 25 (Separation Authority) – AR [Army Regulation] 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-11
- item 26 (Separation Code) – JFW
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Failed Medical/Physical Procurement Standards

10. Orders 115-1010, issued by Joint Force Headquarters, California ARNG, Sacramento, CA, discharged the applicant from the ARNG and as a Reserve of the Army, effective 24 March 2011, under the provisions of National Guard Regulation 600-200 (Enlisted Personnel Management), paragraph 8-26b(3), for failure to meet medical procurement standards. His service was uncharacterized, and he was assigned Reentry Code 3.

11. The applicant provides a VA information report that shows he was credited with 37 days of active duty while in the ARNG, with his service characterized as honorable.

12. 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 his 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.

13. The Board should consider the applicant's statement in accordance with the published guidance.

#### 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. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The governing regulation provides that a separation will be described as an entry-level separation, with service uncharacterized, if the separation action is initiated while a Soldier is in entry-level status. Soldiers in the USAR and ARNG are authorized and honorable discharge while in entry-level status only if they complete their active-duty schooling and earn their MOS.

2. Upon review of the applicant's request and available military records, the Board determined the applicant did not complete training and was release from ADT and discharge from the Reserve of the Army and return to ARNG due to failed Medical/Physical Procurement Standards. As such, the applicant's DD Form 214 properly shows the appropriate characterization of service as uncharacterized. Additionally, based upon the recommendations outlined on the applicant's DA Form 4707 (Entrance Physical Standards Board (EPSBD) Proceedings) stating the conditions were pre-existing to military service and were not aggravated by military service, the applicant's separation order properly annotates the service as uncharacterized.

3. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise. As a result, there is no basis for granting the applicant's request. Therefore, relief is denied.

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.



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 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the separation codes to be entered on the DD Form 214. At the time, this regulation prescribed the separation code "JFW" is the appropriate code to assign

Soldiers separated under the provisions of Army Regulation 635-200, for failure to meet procurement medical fitness standards.

3. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) sets policies, standards, and procedures to insure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons.

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 provides 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. Paragraph 5-11 provided that Soldiers who were not medically qualified under procurement medical fitness standards when accepted for enlistment or who became medically disqualified under these standards prior to entrance on active duty, active duty for training, or initial entry training would be separated. Medical proceeding, regardless of the date completed, must establish that a medical condition was identified by appropriate medical authority within 6 months of the Soldier's initial entrance on active duty, that the condition would have permanently or temporarily disqualified the Soldier for entry into military service had it been detected at that time, and the medical condition did not disqualify the Soldier from retention in the service under the provisions of Army Regulation 40-501.

e. The character of service for Soldiers separated under this provision would normally be honorable but would be uncharacterized if the Soldier was 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.

//NOTHING FOLLOWS//