

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 September 2024

DOCKET NUMBER: AR20240002464

APPLICANT REQUESTS: Reconsideration of her request to show her entry level status (uncharacterized) service 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)

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 AR20140001735 on 4 September 2014.
2. The applicant states she was forced out because she was pregnant. She didn't want to be separated; it was not her choice. She is trying to get a military identification card.
3. On 19 November 1986, the applicant enlisted in the Regular Army for 3 years. Her record shows she was not awarded a military occupational specialty.
4. The applicant received formal counseling on 16 January 1987 as a result of pregnancy. She was removed from all training requirements.
5. The applicant's commander notified her on 28 January 1987 that he was initiating actions to separate her 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 noted the applicant's pregnancy.
6. On 28 January 1987, the applicant acknowledged receipt of the separation notification. She waived her right to consult with counsel and elected not to make any statements in her own behalf.

7. The applicant's commander formally recommended her separation under the provisions of Army Regulation 635-200, Chapter 11, prior to her expiration term of service.

8. On 29 January 1987, the separation authority approved the separation recommendation and directed the issuance of an entry level separation with uncharacterized service.

9. The applicant was discharged on 3 February 1987. Her DD Form 214 confirms she was discharged under the provisions of Army Regulation 635-200, paragraph 11-3a, for entry level status performance and conduct. Her service was uncharacterized. She completed 2 months and 15 days of net active service this period.

10. The applicant petitioned the ABCMR requesting upgrade of her entry level status discharge. On 4 September 2014, the Board voted to deny relief and determined the overall merits of this case were insufficient as a basis for correction of the applicant's records.

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. In reaching its determination, the Board can consider the applicant's petition, arguments and assertions, and service record in accordance with the published equity, injustice, or clemency guidance.

#### BOARD DISCUSSION:

The Board carefully considered the applicant's request, evidence in the records, 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 found insufficient evidence of in-service mitigating factors. The Board found the evidence confirms the applicant was in an entry-level status at the time of her discharge 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 was 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 that the overall merits of this case are insufficient as a basis to amend the decision of the ABCMR set forth in Docket Number AR20140001735 on 4 September 2014.

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. Army Regulation 15-185 (ABCMR) sets forth procedures for processing requests for the correction of military records. Paragraph 2-15a governs requests for reconsideration. This provision of the regulation allows an applicant to request reconsideration of an earlier decision of the ABCMR. The applicant must provide new relevant evidence or argument that was not considered at the time of the ABCMR's prior consideration.

2. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) 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. 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.

d. 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.

//NOTHING FOLLOWS//