

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20240003026

APPLICANT REQUESTS: an appearance before the Board via video or telephone, and correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 12 June 1985 to show:

- his entry level status character of service as honorable
- a different Separation Program Designator (SPD) Code

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

- DD Form 149 (Application for Correction of Military Record)
- letter, National Personnel Records Center (NPRC), dated 7 January 2024

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 his discharge was due to medical conditions that have persisted since his discharge from active duty. Personnel records and medical evidence demonstrate the existence of a probable error or injustice. SPD Code "JFT" was an inappropriate code to assign to an enlisted Soldier with a medical condition that is service connected. The applicant notes other mental health as a condition related to his request.
3. Prior to his enlistment, the applicant underwent a medical examination on 30 April 1985. The relevant Standard Form (SF) 93 (Report of Medical History) and corresponding SF 88 (Report of Medical Examination) show he reported being in good health with no noted medical history. The examining provider determined he was medically qualified for enlistment.

4. The applicant enlisted in the Regular Army on 14 May 1985 for a 4-year period. He reported to Fort Jackson, SC, for initial entry training. His service record indicates he did not complete initial entry training prior to discharge.

5. A DA Form 4707 (Entrance Physical Standards Board [EPSBD] Proceedings), dated 4 June 1985, shows the following:

- the applicant was seen and evaluated during his third week of initial entry training
- he reported intermittent nausea and vomiting, usually related to stressful situations
- he dated the onset of the condition to the death of his mother five years prior
- he was diagnosed with chronic gastritis, which existed prior to service and was not service aggravated
- the board recommended the applicant be separated from service for not meeting medical fitness standards
- the applicant concurred with the proceedings and requested a discharge from the U.S. Army without delay

6. On 4 June 1985, the applicant's immediate commander recommended his discharge based on the EPSBD findings. The separation authority approved the recommendation on 5 June 1993.

7. The applicant was discharged on 12 June 1985, under the provisions of Army Regulation 635-200 (Personnel Separations - Enlisted Personnel), paragraph 5-11, by reason of failure to meet procurement medical fitness standards-no disability. His service was characterized as entry level status, with separation code JFT and reentry code RE-3. He was credited with 29 days of net active service. He was not awarded a military occupational specialty.

8. The applicant provides a letter from NPRC, dated 7 January 2024, which shows he was recommended to the Army Review Boards Agency as the appropriate agency for the correction of his military records.

9. As noted in the Army Review Boards Agency (ARBA) Case Tracking System, ARBA, contacted the applicant on or about 11 September 2024 to request medical documentation in support of his mental health issues. To date, no additional documentation has been received.

10. 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.

11. Regulatory guidance provides when an individual is discharged under the provisions of Army Regulation 635-200, paragraph 5-11, the appropriate separation code is "JFT" with narrative reason "did not meet procurement medical fitness standards-no disability."

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 Army Review Boards Agency (ARBA) Medical Advisor was asked to review this case. Documentation reviewed included the applicant's ABCMR application and accompanying documentation, the military electronic medical record (EMR – AHLTA and/or MHS Genesis), the VA electronic medical record (JLV), the electronic Physical Evaluation Board (ePEB), the Medical Electronic Data Care History and Readiness Tracking (MEDCHART) application, and/or the Interactive Personnel Electronic Records Management System (iPERMS). The ARBA Medical Advisor made the following findings and recommendations:

b. The applicant is applying to the ABCMR requesting a discharge upgrade and, in essence, a referral to the Disability Evaluation System (DES). He states in part:

"My discharge was due to medical conditions which have persisted since my ELS [entry-level separation] on active duty. Personnel and medical evidence demonstrates the existence of a probable error or injustice. I respectfully request the Board review my supporting documents and determine if relief is warranted.

c. The Record of Proceedings details the applicant's military service and the circumstances of the case. The applicant's DD 214 shows he entered the regular Army on 14 May 1985 and received an uncharacterized discharge on 12 June 1985 under authority provided by paragraph 5-11 of AR 635-200, Personnel Separations – Enlisted Personnel (20 July 1984): Separation of personnel who did not meet procurement medical fitness standards.

d. Paragraph 5-11a of AR 635-200 (20 July 1984):

"a. Members who were not medically qualified under procurement medical fitness standards when accepted for initial enlistment will be separated. Medical

proceedings, regardless of the date completed, must establish that a medical condition was identified by appropriate military medical authority within 4 months of the member's initial entrance on AD [active duty] or ADT [active duty for training] which-

(1) Would have permanently disqualified him or her for entry into the military service had it been detected at that time; and

(2) Does not disqualify him or her for retention in the military service under the provisions of AR 40-501, chapter 3.

e. No medical documentation was submitted with the application and his period of Service predates the EMR. There are no clinical encounters in JLV.

f. His pre-entrance Report of Medical History and Report of Medical Examination show the applicant to have been in good health, without significant medical history or conditions.

g. Medical documentation shows the applicant was evaluated for epigastric pain on 31 May 1985. When seen again for it on 3 June 1985, he was referred to internal medicine for evaluation. That same day, the internal medicine physician wrote: "Gastritis of such a degree as to preclude satisfactory training. EPTS (existed prior to service) discharge." The applicant was subsequently referred to an entry physical standards boards (EPSBD) IAW paragraph 5-11a of AR 635-200.

h. These boards are convened IAW paragraph 7-12 of AR 40-400, Patient Administration. This process is for enlisted Soldiers who within their first 6 months of active service are found to have a preexisting condition which does not meet the enlistment standard in chapter 2 of AR 40-501, Standards of Medical Fitness, but does meet the chapter 3 retention standard of the same regulation. The fourth criterion for this process is that the preexisting condition was not permanently service aggravated.

i. From the narrative summary on his Entrance Physical Standards Board (EPSBD) Proceedings (DA Form 4707):

"HISTORY OF EPTS CONDITION This 20-year-old black male was seen and evaluated and the patient is in the 3<sup>rd</sup> week of training (BCT [basic combat training]), and has the following condition:

Service member relates irritable stomach with nausea and vomiting and epigastric pain. These symptoms are stress related. He dates their onset to death of his mother five years ago.

SUJECTIVE FINDINGS: Service member reports intermittent nausea and vomiting usually related to stressful situation.

OBJECTIVE FINDINGS: None other than mild mid-epigastric tenderness

LABORATORY AND X-RAY RESLLTS: Serum amylase 118 (within normal range)

MILITARY HISTORY This SM [service member] enlisted in the RA [Regular Army] on 14 May 1985 and is assigned to C-5-1, Fort Jackson, SC 29207

DIACNOSIS Chronic gastritis.

DISPOSITION: It is recommended that the patient be separated. The SM [service member] does not meet medical fitness standards for enlistment of Paragraph 2-3s, Chapter 2 AR 40-501 [Standards of Medical Fitness]  
EPTS [Existed Prior To Service]: Yes

Service aggravated: No

SM does meet retention standards UP Chap 3 AR40-501."

j. Paragraph 2-3s or AR 40-501, Standards of Medical Fitness (1 December 1983), states causes for rejection for enlistment include:

"Other congenital or acquired abnormalities such as gastrointestinal bypass or stomach stapling for control of obesity; and defects which preclude satisfactory performance of military duty or which require frequent and prolonged treatment."

k. On 4 June 1985, the EPSBD determined the applicant's condition had EPTS, failed the enlistment standards in chapter 2 of AR 40-501, had not been permanently aggravated by his military service, and was not compatible with continued service. On 4 June 1985, the applicant agreed with the Board by marking and initialing the election :“I concur with these proceedings and request to be discharged from the US Army without delay.”

l. An uncharacterized discharge is given to individuals who separate prior to completing 180 days of military service, or when the discharge action was initiated prior to 180 days of service. This type of discharge does not attempt to characterize service as good or bad. Through no fault of his own, he simply had a medical condition which was, unfortunately, not within enlistment standards.

m. It is the opinion of the ARBA medical advisor that neither an upgrade of his discharge nor a referral of his case to the Disability Evaluation System is warranted.

#### BOARD DISCUSSION:

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 request, supporting documents, evidence in the records, and published DoD guidance for liberal consideration of discharge upgrade requests. The available evidence shows the applicant was found to have a preexisting condition which does not meet the enlistment standard in chapter 2 of AR 40-501, Standards of Medical Fitness, that was identified by medical authorities shortly after his entry on active duty. As a result, he was separated for not meeting medical fitness standards for enlistment or retention. He completed 29 days of active service. He did not complete initial entry training and was not awarded an MOS. His service was uncharacterized.

a. Discharge upgrade: Deny. An uncharacterized discharge is given to individuals who separate prior to completing 180 days of military service, or when the discharge action was initiated prior to 180 days of service. This type of discharge does not attempt to characterize service as good or bad. The Board found no error or injustice in his separation processing. The Board considered the applicant's argument but did not find it supported by evidence. The Board considered the medical records, any VA documents provided by the applicant and the review and conclusions of the medical reviewing official, and agreed with the medical reviewer's determination that there is insufficient evidence of any mitigating behavioral health condition. The Board also found insufficient evidence to support a referral to the disability evaluation system process. Therefore, based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was not in error or unjust.

b. Separation Code: Deny. The Board noted that by regulation, enlisted Soldiers separated under the provisions of chapter 11 of AR 635-200 due to not meeting medical procurement standards are assigned Separation Code JFT. The Board found no reason to changing this code as it is neither in error nor 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.

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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. Title 10, USC, Section 1556, 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 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, and reviews to ABCMR applicants prior to adjudication.

3. Title 10, USC, Section 1203 provides for the physical disability separation of a member who has less than 20 years of service and a disability rating at less than 30 percent (%).

4. Title 38, USC, Sections 1110 and 1131, permit the Department of Veterans Affairs (VA) to award compensation for disabilities which were incurred in or aggravated by active military service. However, an award of a VA rating does not establish an error or injustice on the part of the Army.

a. The Army rates only conditions determined to be physically unfitting at the time of discharge which disqualify the Soldier from further military service. The Army disability rating is to compensate the individual for the loss of a military career.

b. The VA does not have authority or responsibility for determining physical fitness for military service. The VA awards disability ratings to veterans for service-connected conditions, including those conditions detected after discharge, to compensate the individual for loss of civilian employability. As a result, the VA, operating under different policies, may award a disability rating where the Army did not find the member to be unfit to perform his duties. Unlike the Army, the VA can evaluate a veteran throughout his or her lifetime, adjusting the percentage of disability based upon that agency's examinations and findings.

5. 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 may, in its discretion, hold a hearing. 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.

6. Army Regulation 40-501 (Standards of Medical Fitness) governs medical fitness standards for enlistment, induction, appointment (including officer procurement programs), retention, and separation (including retirement). Once a determination of physical unfitness is made, the physical evaluation board (PEB) rates all disabilities using the Veterans Affairs Schedule for Rating Disabilities (VASRD).

a. Chapter 2 provides physical standards for enlistment, appointment, and induction with the purpose to ensure members medically qualified are medically capable of completing required to training, adapt to a military environment without geographical



limitations, perform duties without aggravation of existing physical defects or medical conditions.

b. The standards in Chapter 2 are applicable to individuals who enlist in the Regular Army - for medical conditions or physical defects pre-dating original enlistment, standards are applicable for enlistee's first 6 months of active duty. It states that enlisted Soldiers identified within the first 6 months of active duty with a condition that existed prior to service that does not meet the physical standards may be separated following an evaluation by an Entrance Physical Standards Board, under the provisions of Army Regulation 635-200, Chapter 5.

7. Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation) establishes the Army Disability Evaluation System (DES) and sets forth policies, responsibilities, and procedures that apply in determining whether a Soldier is unfit because of physical disability to reasonably perform the duties of his office, grade, rank, or rating. It states, in part, only the unfitting conditions or defects and those that contribute to unfitness will be considered in arriving at the rated degree of incapacity warranting retirement or separation for disability. The mere presence of impairment does not, in and of itself, justify a finding of unfitness because of physical disability.

8. Army Regulation 635-5-1 (Separation Program Designators) 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. It states that the appropriate separation code for Soldiers separated under Army Regulation 635-200, paragraph 5-11, is "JFT" with narrative reason "did not meet procurement medical fitness standards-no disability."

9. 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. Paragraph 5-11 provides that Soldiers who are not medically qualified under procurement medical fitness standards when accepted for enlistment or who become medically disqualified under these standards prior to entrance on active duty, active duty for training, or initial entry training will be separated. A 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. 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.

10. 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 post-traumatic stress disorder; traumatic brain injury; sexual assault; or sexual harassment. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the sexual assault or sexual harassment was unreported, or the mental health condition was not diagnosed until years later. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on 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.

11. 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//