

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 June 2025

DOCKET NUMBER: AR20240003337

APPLICANT REQUESTS:

- a different narrative reason for separation
- appearance before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record), 19 January 2024
- Standard Form 88 (Report of Medical Examination), 13 July 1981
- DD Form 4/1 (Enlistment Contract), page 1
- DA Form 2-1 (Personnel Qualification Record), page 4
- Chronological Record of Medical Care, 25 October 1981
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 18 June 1982
- Honorable Discharge Certificate, 19 October 1987
- Department of Veterans Affairs Decision Document, 16 June 2023
- Certificate, from Department of the Treasury
- Six-character reference statements

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 is requesting a change of his narrative reason because it is denying him the ability to be considered as a veteran to obtain benefits. He believes had he not been injured he would have been a great asset to the military however because of his injury he was released while receiving an honorable characterization of service. After his discharge, he worked and retired as a federal employee within the Internal Revenue Service.

3. A review of the applicant's service record shows the following:

a. He enlisted in the Regular Army on 20 October 1981, for a 4-year period.

b. He received non-judicial punishment on an unknown date, for failing to go to his appointed place of duty on or about 28 May 1982.

c. His record is void of the facts and circumstances pertaining to his discharge; however, he was honorably released from active duty on 18 June 1982. His DD Form 214 shows he was released in the grade of E-2, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), paragraph 5-31H(1) Expeditious Discharge Program – by reason of Failure to Maintain Acceptable Standards for Retention. He served 7 months and 29 days of net service this period.

d. He was issued a DD Form 215 (Correction to DD Form 214) correcting his name.

4. He additionally provides:

a. His report of medical examination, dated 13 July 1981, showing he was qualified for service. Additionally, his chronological record of medical care while in service, showing he suffered a twisted ankle or ankle strain, on 25 October 1981.

b. His honorable discharge certificate, effective 19 October 1987, from the United States Army Reserve, awarding him for his honest and faithful service. An additional certificate, the Albert Gallatin Award, received from his retirement from federal service

c. The Department of Veterans Affairs decision document, showing his denial for service connection for right ankle strain. The document explained the reason for the decision and the VA did not find a link between his medical condition and military service.

d. Six-character statements, who remember when the applicant came home from training with a cast of his ankle/foot area. His son wrote on behalf of his father, stating his father told him of his injured foot while in the Army when he came home in a cast. His father served in the IRS and retired, never expressing frustration with the Army despite being unable to obtain benefits. He is proud of his father and his service.

5. In reaching its determination, the Board can consider the applicant's petition, service record, and statements in light of the published guidance on equity, injustice, or clemency.

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. Upon review of the applicant's petition, available military records, the Board determined that insufficient evidence exists to support an error or injustice warranting a change to the narrative reason for separation. The Board acknowledged the applicant's post-service accomplishments as an IRS employee and the character letters submitted in support of his honorable contributions to his community. However, the Board confirmed that the applicant did not complete training and was discharged with a honorable discharge by reason of Failure to Maintain Acceptable Standards for Retention, having served 7 months and 29 days of net service during this period. Based on this, the Board denied relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that 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.
3. AR 635-5-1 (Separation Program Designator Codes) prescribes the specific authorities (statutory, regulatory, and Department of Defense (DOD)/Army policy) and reasons for separating Soldiers from active duty. Also, it prescribes when to enter separation program designator (SPD) codes on the DD Form 214 (Certificate of Release or Discharge from Active Duty).
 - a. The narrative reason for separation will be entered in block 28 of the DD Form 214 exactly as listed in the tables of this regulation. No deviate is authorized.
 - b. Table 2-3 states separation code LGH has the narrative reason for failure to maintain acceptable standards of retention.
4. AR 635-8 (Separation Processing and Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior

inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

5. AR 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, sets forth the basic authority for the separation of enlisted personnel.

a. Paragraph 3-7a (Honorable Discharge) states an honorable discharge is a separation with honor. 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.

b. Paragraph 5-31 (Expeditionary Discharge Program (EDP)) states EDP provides that members who have demonstrated that they cannot or will not meet acceptable standards required of enlisted personnel in the Army because of existence of one or more of the following conditions may be separated. All members separated under this paragraph will be released from active duty and transferred to the Individual Ready Reserve to complete their service obligation, except those whom the separation authority.

6. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records (BCM/NR) 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.

//NOTHING FOLLOWS//