

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 November 2024

DOCKET NUMBER: AR20240003338

APPLICANT REQUESTS:

- upgrade of her uncharacterized discharge to honorable
- issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty)
- a video/telephonic hearing with the Board

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

- DD Form 149 (Application for Correction of Military Record), 10 January 2024
- DD Form 4 (Enlistment/Reenlistment Document), 20 June 1995
- Orders 18-7 issued by Headquarters (HQ), 807th Medical Brigade, 18 January 1996
- Letter from National Personnel Records Center, 12 June 2021

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, in effect:

a. She served in a Field Hospital Troop Program Unit in the U.S. Army Reserve (USAR). She began service under the delayed entry program at the age of 17. She was constantly subjected to sexual harassment to include groping every time she showed up for drill.

b. Her military records from the National Archives only contained her enlistment documents and separation order. None of her land navigation, rifle qualification, military occupational specialty (MOS) training records, or her promotion to the rank/pay grade of private/E-2 are contained in her records.

c. She is very proud of her time serving her country. She wishes she could have gone on to have a full military career. She feels she served honorably in a predominately male military unit. She was constantly harassed from the time she set foot on Camp Robinson to the time she left. She was made to pick up cigarette butts so noncommissioned officers could watch her bend over. She had been touched inappropriately every day. During this time, if you spoke up about harassment it only got worse. She feels that leadership at the time failed to protect her. She was discharged as punishment for using her voice.

d. She wants to have a DD Form 214 that shows she received an honorable discharge.

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

a. On 20 June 1995, she enlisted in the USAR for a period of 8 years. In connection with this enlistment, her parents and she completed a DD Form 1966 (Record of Processing), Section VII (Parental Consent).

b. On the same date, she completed a DA Form 3540/2 (Certificate and Acknowledgment of Service Requirements and Methods of Fulfillment in the USAR) agreeing, in part:

(1) She would be assigned a member of a Troop Program Unit for 6 years; and she would be required to enter and satisfactorily complete an initial period of active duty training (IADT) to become qualified in an MOS.

(2) If for any reason beyond her control, she was not able to complete the training during the period for which she was ordered to IADT, she would be required to perform satisfactory in the Ready Reserve for a period of 8 years.

c. On 26 June 1995, the Military Entrance Processing Station (MEPS) located in Little Rock AR issued Orders 118-020, for the applicant for IADT. She was ordered to report to 120th Adjutant General Battalion, Fort Jackson for Basic Combat Training with a reporting date of 6 June 1996; and further ordered to report to Fort Sam Houston for Advanced Individual Training (AIT) with a reporting date of 9 August 1996.

d. A memorandum issued by 810th Field Hospital, Camp Robinson, North Little Rock, AR, dated 16 February 1996, Subject: Revocation of IADT Order, requested revocation of IADT order pertaining to her by reason that she no longer had a desire to be in the military. A request for an entry level discharge was initiated by her unit, 810th Field Hospital, Camp Robinson.

e. The request for her entry level separation (ELS) and associated approval memoranda documentation is not contained in the available records.

f. MEPS, Little Rock, AR Orders 036-002, dated 23 February 1996, rescinded MEPS Order 118-020, issued by Little Rock MEPS, dated 28 June 1995.

g. A memorandum from the U.S. Recruiting Battalion, Oklahoma City, dated 12 March 1996, subject: USAR Training Seat Cancellation, shows her scheduled active duty training was cancelled.

h. Orders 18-7 issued by HQ, 807th Medical Brigade, Seagoville, TX on 18 January 1996, discharged her from the USAR by authority of USAR Command memorandum, dated 9 February 1993, Subject: Delegation of Involuntary Authority under Army Regulation 135-178 (Army National Guard and Army Reserve – Separation of Enlisted Personnel), paragraph 1-25d. Her effective date of discharge was 1 February 1996, and the type of discharge was uncharacterized.

4. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition. By regulation, an applicant is not entitled to a hearing before the Board.

BOARD DISCUSSION:

1. The Board determined 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.

2. 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.

a. Characterization of service: Deny. The evidence of record shows the applicant was ordered to active duty at Fort Jackson for Basic Combat Training with a reporting date of 6 June 1996; and further ordered to report to Fort Sam Houston for Advanced Individual Training with a reporting date of 9 August 1996. However, she never reported to active duty. She stated she no longer had a desire to be in the military. Since she did not complete initial entry training, she was issued discharge from the U.S. Army Reserve with an uncharacterized discharge. this is the appropriate characterization of service for USR enlisted Soldiers who did not complete initial entry training. The Board found no error or injustice.

b. DD Form 214: Deny. The applicant did not report to active duty and did not serve on active duty. The DD Form 214 is a record of continuous active duty. Since she did not serve on active duty, and since she did not complete initial entry training and was not awarded a military occupational specialty, the Board determined she is not authorized a DD Form 214.

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.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. 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.

3. Army Regulation 135-178 (Army National Guard and Army Reserve – Separation of Enlisted Personnel), in effect at the time, established policies, standards, and procedures governing the administrative separation of enlisted Soldier from the Army National Guard of the United States and the United States Army Reserve.

a. Paragraph 1-17. Types of characterization of service. The types of separation as they affect characterization or description of service are honorable, under honorable conditions, under other than honorable conditions, and entry level status separation (uncharacterized).

b. Paragraph 1-20. Uncharacterized Separation Descript of Service. Service will be described as uncharacterized if separation processing is initiated while a Soldier is in an entry level status

c. Paragraph 1-25d provides that commanders may delegate authority to discharge individuals to a general officer in command having a staff judge advocate for cases arising in that command. Action taken pursuant to such a delegation will cite this paragraph as authority.

4. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, set policies, standards and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons.

a. An honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the soldier'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. Entry-Level status. Service will be uncharacterized for separation under the provisions of chapter 11.

c. For Army National Guard (ARNG) and USAR Soldiers, entry-level status begins upon enlistment in the ARNG or USAR. For Soldiers ordered to IADT for one continuous period, it terminates 180 days after beginning training. For Soldiers ordered to IADT for the split or alternate training option, it terminates 90 days after beginning Phase II advanced individual training.

d. Entry-level status is defined as:

(1) For Regular Army soldiers, entry-level status- is the first 180 days of continuous Active Duty (AD) or the first 180 days of continuous AD following a break of more than 92 days of active military service.

2) For ARNG of the U.S. and USAR soldiers, entry-level status begins upon enlistment in the ARNG or USAR. For soldiers ordered to IADT for one continuous period, it terminates 180 days after beginning training. For soldiers ordered to IADT for the split or alternate training option it terminates 90 days after beginning Phase II AIT. (Soldiers completing Phase I Basic Training or BCT remain in entry-level status until 90 days after beginning Phase II.

5. Army Regulation 635-5 (Separation Documents), in effect at the time (1 October 1979), prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. A DD Form 214 would be prepared for all personnel at the time of their retirement, discharge, or release from the Active Army.

//NOTHING FOLLOWS//