

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 December 2024

DOCKET NUMBER: AR20240003819

APPLICANT REQUESTS: an upgrade of her uncharacterized discharge to an 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. 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, please change/upgraded her character of discharge from uncharacterized to an honorable. She was discharged during basic training, due to a medical issue with her knees. She was never court martialled or partaken in illegal substances. For her military service to be credited for retirement for government civilian purposes, her DD Form 214 must show honorable or under honorable conditions. She could not complete training, because of the pain in her knees. She eventually had surgery as a civilian for a torn meniscus. She feels this should be upgraded to honorable as her discharge was medical and had nothing to do with misconduct or any unsavory behavior. She is requesting the upgrade after review of her documents in preparation for civilian government retirement in 2027.
3. The applicant provides a copy of her DD Form 214, which shows her record of service.
4. A review of the applicant's service record shows:
 - a. She enlisted in the U.S. Army Reserve (USAR) on 13 March 1987.

b. A Report of Medical Examination, dated 12 March 1987, shows the applicant underwent an examination for the purpose of enlistment. The applicant's clinical evaluation was marked "normal" in block 37 (Lower Extremities (except feet) (strength range of motion)) (Examinee/Applicant) she was marked qualified for service.

c. Orders 049-14 dated 13 March 1987 order the applicant to initial active duty for training (IADT). Her report date was 14 July 1987.

d. The applicant was seen for complaints of bilateral knee pain when walking and marching. He exam reveal tenderness in the knees, no clinical evidence of rheumatoid arthritis. It was documented it was an ongoing problem for about 16 months.

- 22 July 1987
- 23 July 1987
- 31 July 1987

e. On 5 August 1987, the applicant was given temporary profile with the limitations of no crawling, no stooping, no running, no jumping, no prolong standing or marching 15 minutes.

f. On 26 August 1987, the applicant temporary profile limitations of were updated to no crawling, no stooping, no running, no jumping, no prolong standing or marching 15 minutes. No mandatory strenuous physical activity. No assignment requiring handing of heavy materials including weapons. No overhead work, no pull-ups, or pushups.

g. On 8 September 1987, the immediate commander recommend discharge under the provision of chapter 5 paragraph 5-11, for not successfully completing 8 weeks of basic training.

h. On 16 September 1987, she was discharged from active duty with an uncharacterized characterization of service. Her DD Form 214 shows she completed 2 months and 3 days of active service with no lost time. She was assigned separation code JFT and the narrative reason for separation listed as "Did not meet Procurement Medical/Fitness Standards- No Disability," with reentry code 3. It also shows in Block 11 (Primary Specialty), None.

5. There is no evidence the applicant has applied to the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.

6. By regulation (AR 15-185), the ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

7. By regulation (AR 635-8), 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.

8. By regulation (AR 635-200), 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 entry on active duty (AD) or active duty training (ADT) for initial entry training may be separated. Such findings will result in an entrance physical standards board which must be convened within the Soldier's first 6 months of AD.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined that relief was warranted. Based upon a documentary review of the applicant's military record, the Board concluded that the applicant was initiated for separation prior to obtaining a MOS for completion of IET. The governing regulation provides that a separation will be described as uncharacterized, if the separation action is initiated within the first 180 days of active duty service. As such, his DD Form 214 properly shows his service as uncharacterized.

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.

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, 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 (ABCMR) 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, which is that what the Army did was correct. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 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 3-9 (Uncharacterized Discharge) states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

c. Chapter 5-11 of the regulation states 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 entry on active duty (AD) or active duty training (ADT) for initial entry training may be separated. Medical proceedings, regardless of the date completed, must establish that a medical condition was identified by appropriate military medical authority within 6 months of the Soldier's initial entrance on AD for RA, or during ADT for initial entry training. Unless the reason for separation requires a specific characterization, a Soldier being separated for the convenience of the Government will be awarded a character of service of honorable, under honorable conditions, or an uncharacterized description of service if in entry-level status.

4. Army Regulation 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.

//NOTHING FOLLOWS//