

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 February 2025

DOCKET NUMBER: AR20240003908

APPLICANT REQUESTS:

- correction of the narrative reason and his separation code on DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 23 August 2006
- personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Forms 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, in effect, he is requesting the narrative reason for discharge be removed from his DD Form 214 for the period ending 23 August 2006. He served while at Fort Hood and was given two choices and accepted the honorable discharge. Since then he's returned to college to better himself. His asking for his separation code and narrative reason for separation be changed to obtain his GI Bill. He was unaware he would be denied his GI Bill and he was told he would get full benefits. He has been super grateful for the Army and for what they have done for him. He has served in the Army three times.
3. The applicant's service record contains the following documents:
 - a. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the Regular Army and entered active duty on 20 November 2002.

b. A separation package showing the applicant was being separated for failing to develop sufficiently as a Soldier and having had a series of misconduct. His entire separation packet is available for the Board's review.

c. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was discharged from the Regular Army on 15 August 2003. His character of service was under honorable conditions (general) and he was discharged for misconduct.

d. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he enlisted in the Regular Army on 17 May 2006.

e. DA Form 4187 (Personnel Action), 10 July 2006, states the applicant is serving on a defective enlistment contract, 17 May 2006 in the military occupational specialty (MOS) of 98C (Signals Intelligence Analyst). He entered the Army on 20 November 2002 but was discharged from 98C advanced individual training on 15 August 2003. He reentered the Army on 17 May 2006 not meeting all requirements for his MOS 98C. He never completed nor does he have a security clearance. After counseling, he requested a separation from the Army.

f. Memorandum defective/unfulfilled enlistment contract, 25 July 2006, states the applicant is not qualified in MOS 98C. He was identified as being involuntarily reclassified and required formal training. He could request separation without regard to the mandatory reclassification.

g. Memorandum separation, 4 August 2006, wherein the applicant requests separation due him not being qualified in MOS 98C. He was requesting to be separated on or about 30 August 2006.

h. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was honorable discharged on 23 August 2006. The narrative reason for separation was defective enlistment agreement and his separation code was KDS.

i. DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), 20 November 2007, shows he enlisted in the Army National Guard (ARNG).

j. NGB Form 22 (Report of Separation and Record of Service) shows he was discharged from the ARNG on 1 March 2009 for failing to report to initial active duty training. His character of service was uncharacterized.

4. The ABCMR may, in its discretion, hold a 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.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. In the applicant's application, the applicant requests changes to his DD Form 214; however, he fails to identify why the current narrative reason is in error or results in an injustice warranting correction. Based upon the available documentation, the Board found the current entry accurately reflects the reason for the applicant's separation. Therefore, the Board recommended denying relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	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.

//SIGNED//
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. 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 may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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 635-5 (Personnel Separation Separation Documents) prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It states when completing the DD Form 214 in block 28 (Narrative Reason for Separation) This is based on regulatory or other authority and can be checked against the cross reference in Army Regulation 635-5-1.
4. Army Regulation 635-5-1 (Personnel Separations – Separation Program Designator (SPD) Codes), in effect at the time, prescribes the specific authorities, reasons for separating Soldiers from active duty, and the SPD codes to be entered on DD Form 214. It shows code KDS is used for discharge for defective enlistment.

//NOTHING FOLLOWS//