

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 December 2024

DOCKET NUMBER: AR20240004692

APPLICANT REQUESTS:

- correction of her records to show she was medically discharged based on a service-incurred injury with an honorable character of service
- personal appearance before the Board

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

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States) in lieu of DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States), 9 August 2012
- initial active duty for training (IADT) orders
- Enlisted Record Brief
- Memorandum for Record from the Fort Leonard Wood, MO, Consolidated Troop Medical Clinic, Physical Therapy, 16 November 2012
- DA Form 3349 (Physical Profile), 16 November 2012
- DA Form 2173 (Statement of Medical Examination and Duty Status), 28 November 2012 and allied documents
- DD Form 220 (Active Duty Report), 5 December 2012
- 10 pages of miscellaneous military medical and personnel records
- series of email messages with dates ranging from August 2013 through February 2015
- Department of Veterans Affairs (VA) Rating Decision, 29 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:

a. She is writing to bring attention to her enlistment in the U.S. Army Reserve (USAR) in August 2012 and subsequent discharge status. She is requesting her discharge be upgraded to honorable and considered a medically necessary separation. During basic combat training (BCT), she sustained an injury to her right pelvis, leading to her release from active duty to recuperate at home with the intention of returning to training upon recovery. Despite her earnest efforts to resume training and fulfill her obligations, she encountered significant challenges in receiving the necessary medical assistance and follow-up healthcare. Upon returning home, she encountered difficulties accessing medical care as a service member, resulting in delays in initiating physical therapy. She ultimately sought treatment through her spouse's Tri-care insurance, undergoing one round of therapy as a civilian.

b. Subsequently, she made repeated attempts to reconnect with her unit to schedule her return to BCT. However, despite her persistent efforts, she faced considerable difficulty in obtaining a response or guidance on the necessary steps to facilitate her return. Numerous phone calls and messages went unanswered, and even personal visits yielded minimal direction and no concrete plans for her reintegration into training. She has outlined the timeline of her attempts to initiate the process of returning to BCT, which demonstrates her genuine commitment to fulfilling her obligations. It does not include the numerous phone calls or voicemails that went unreturned:

- 9 August 2012 - Enlisted
- September 2012 - Drilled with unit at Fort Carson, CO
- October 2012 - began BCT
- 5 December 2012 - Released from active duty to Fountain, Colorado for recovery
- May 2013 - Orthopedic evaluation delayed due to dispute over medical care responsibility
- 28 June 2013 - Informed by Sergeant C of the need to return to BCT within the month; no further communication received
- July 2013 - Orders for continued therapy written (Cleared February 2014)
- 26 August 2013 - Visited unit with recruiter to reconnect and schedule return to training; minimal assistance received
- 28 August 2013 - Follow-up email sent; no response received
- 30 August 2013 - September explanation of change of location sent for records if needed
- 18 July 2014 - Attempted to reconnect with Captain W and provide documentation to get a status update on return to BCT
- 27 January 2015 - Received certified mail regarding missed drill; responded via email - eventually this correspondence triggered the chapter 8 separation she received

c. It was only upon her request for documents from the National Archives that she became aware of her official separation characterization. She believes that her discharge status does not accurately reflect her circumstances and efforts to fulfill her obligations. Had she been provided with the necessary opportunity to return to duty, support, and guidance from either her unit or the Military Entrance Processing Station (MEPS), she would have been able to complete her training and continue her service.

d. She respectfully requests reconsideration of her discharge status to be recharacterized as an honorable medical discharge, as she does have a line of duty LOD determination and documentation that characterizes her release due to injury. She believes that she was failed by a lack of clarity and support from the sending unit, which hindered her ability to fulfill her obligations despite her sincere intentions to return to service. She spent nearly three years attempting to fulfil her obligations and would like to see this classification match the level of commitment she invested.

3. The applicant enlisted in the USAR on 9 August 2012. She entered IADT training IADT on 10 October 2012.

4. A Memorandum for Record from the Fort Leonard Wood, MO, Consolidated Troop Medical Clinic, Physical Therapy, dated 16 November 2012 states the following:

[The applicant] was diagnosed with a right pelvic stress injury on the 5th of November 2012. This condition prevents her from running, climbing stairs/hills, and training without increase in pain. While we expect she will fully recover from this condition, her rehabilitation could take an additional 3-4 months before he is able to return to training. Recommend tricare release for her pelvic stress injuries.

5. On 16 November 2012, the applicant was issued a temporary physical profile based on a diagnosis of right pelvic stress fracture.

6. A DA Form 2173, dated 28 November 2012, shows the applicant was injured during the first week of BCT. The injuries were consistent with training conducted producing constant stress from standing, running, and marching. The injuries were considered to have been incurred in line of duty.

7. On 28 November 2012, Reserve Component Liaison Officer counseled the applicant regarding her release from active duty for the purpose of medical recovery. She was advised that when her medical recovery was completed, her unit was required to coordinate with the supporting MEPS to return her back to training.

8. On 5 December 2012, the USAR Command, Accessions and Training Branch, issued a memorandum addressed to the Army Reserve Medical Command pertaining to the applicant's release from active duty. It states:

a. Fort Leonard Wood Army Reserve Liaison is authorized to release the applicant from active duty due to a temporary medical condition.

b. This memorandum serves as authority for the MEPS Guidance Counselor to reschedule the applicant in military occupational specialty 68J (Medical Logistics Specialist) under the Standard Training Program prior to the above suspense date (28 June 2013). The MEPS must ensure the Soldier is medically, morally, and otherwise qualified prior to IADT. The Soldier is not a BCT graduate. The MEPS will revise orders and furnish this command with a copy.

c. If the Soldier fails to return to active duty by the above suspense date, the unit must use notification procedures in Army Regulation 135-178 (Army National Guard and Army Reserve Enlisted Administrative Separations), chapter 3 and initiate separation under chapter 8 (Entry Level Performance and Conduct). The unit will provide this command a copy of the separation order as applicable. The unit may request an extension of the above suspense from this command.

9. Orders issued by Headquarters, 88th Regional Support Command, on 29 June 2016, ordered the applicant's discharged from the USAR effective 6 July 2016 under the authority of Army Regulation 135-178 with a character of service of uncharacterized.

10. The applicant's separation orders do not show the specific reason for her discharge from the USAR, and her available records do not contain sufficient documentation to establish the specific reason for her discharge.

11. The applicant's Active Duty Report shows she was credited with 58 days of active service.

12. The applicant provided:

a. A series of email messages, with dates ranging from August 2013 through February 2015, as evidence of her attempts to contact her USAR unit for guidance regarding her return to training.

b. A VA Rating Decision, dated 29 January 2024, showing she was granted service-connected disability compensation for her right hip fracture.

### 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 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 an upgrade of her uncharacterized discharge. She states in her self-authored letter:

“I would request my discharge be upgraded to honorable and considered a medically necessary separation. During my service, I experienced an injury to my right IPR [inferior pelvic ramus] while in basic training, leading to my release from active duty to recuperate at home with the intention of returning to training upon recovery.”

c. The Record of Proceedings outlines the applicant’s military service and the circumstances of the case. The applicant’s Active Duty Report (DA form 220) shows she the former USAR Soldier entered the regular Army on 10 October 2012 and received an uncharacterized discharge on 6 December 2012.

d. The EMR shows she was seen for a 2.5-week history of right groin pain on 5 November 2012. Radiographs that day revealed a non-displaced stress fracture of the right inferior pubic ramus. She was started on conservative management to include physical therapy and crutch ambulation.

e. On 16 November 2012, she reported increasing pain during her follow-up evaluation by physical therapy. The physical therapist at General Leonard Wood Army Community Hospital subsequently recommended in a memorandum for record she be discharged to allow healing of her stress injury with the possibility of returning to training after 3-4 months:

“PV2 [Applicant] was diagnosed with a right pelvic stress injury on the 5th of November 2012. This condition prevents her from running, climbing stairs/hills, and training without increase in pain. While we expect she will fully recover from this condition, her rehabilitation could take an additional 3-4 months before he is able to return to training. Recommend tri care {sic} release for her pelvic stress injuries.

SM [service member] will need Orthopedic/Surgical evaluation within 4 weeks of return to home.

Follow up x-rays and rehabilitation (therapy) will be required. Estimated length of care is 3-4 months.”

f. A 5 December 2012 email for the Chief of Accessions and Training Branch of the USAR's Manning Division (G-1) shows the applicant was given until 28 June 2013 to complete a military entrance processing station (MEPS) examination, a requirement before a potential return to active duty to complete basic combat training:

"This memorandum serves as authority for the Denver Military Entrance Processing Station (MEPS) Guidance Counselor to reschedule the Soldier in MOS 68J10 [medical logistics specialist] under the Standard Training Program prior to the above suspense date. The MEPS must ensure the Soldier is medically, morally, and otherwise qualified prior to Initial Active Duty for Training. The Soldier is not a Basic Combat Training graduate. The MEPS will revise orders and furnish this Command with a copy.

If the Soldier fails to return to active duty by the above suspense date, the unit must use notification procedures in AR 135-178 (Enlisted Administrative Separations), Chapter 3 and initiate separation under Chapter 8. The unit will provide this Command a copy of the separation order as applicable. The unit may request an extension of the above suspense from this Command."

g. This MEPS physical was not found in the supporting documentation or iPERMS and there was no evidence identified it was completed.

Emails show the applicant wanted to return to active duty in order to complete basic combat training. A 15 July 2014 email shows USAR personnel were working with her, she had been promoted to PFC, and that she had moved to Hawaii:

Hi SFC S., Attached is a copy of PFC [Applicant]'s LOD and supporting documentation. I spoke with the Soldier and she stated that she as not has any contract with MEDCOMM [Medical Command], so she is unclear if she will need to go back to basic Training to complete her training or what she needs to do next. I informed the Soldier that we would try to help er to find out her next steps. She has recently moved to Hawaii with her Husband. Thank you, CPT W.

h. Orders published by the 88<sup>th</sup> Regional Support Command show she was discharged from the USAR with an uncharacterized characterization of service effective 6 July 2016 under provisions in AR 135-178, Army National Guard and Army Reserve – Enlisted Administrative Separations (13 March 2007). No chapter, paragraph, or narrative reason is given for his discharge.

i. Her stress fracture did not constitute a permanent disability IAW AR 635-40, Physical Evaluation for Retention, Retirement, or Separation (20 March 2012). Given

the onset of this condition was during basic training, the nature of these injuries, and the treatment thereof in a healthy individual, it would be expected to heal once she was removed for the rigors of military training.

j. An uncharacterized discharge is given to individuals on active duty who separate prior to completing 180 days of military service, or when the discharge action was initiated prior to 180 days of service. For the reserve components, it also includes discharges prior to completing initial entry training (IET). There are two phases - Basic Combat Training (BCT) and Advanced Individual Training (AIT). Because the applicant did not complete BCT, he was in an entry level status at the time of his discharge and so received an uncharacterized discharge. This type of discharge does not attempt to characterize service as good or bad.

k. JLV shows she has is not registered with the VA and has no VA service-connected disability ratings.

l. The DES compensates an individual only for permanent service incurred medical condition(s) which have been determined to disqualify him or her from further military service. The DES has neither the role nor the authority to compensate service members for anticipated future severity or potential complications of conditions which were incurred or permanently aggravated during their military service; or which did not cause or contribute to the termination of their military career. These roles and authorities are granted by Congress to the Department of Veterans Affairs and executed under a different set of laws.

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

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant enlisted in the USAR on 9 August 2012. She did not complete training and was never awarded an MOS. She was separated by Orders issued by Headquarters, 88th Regional Support Command, 6 July 2016 under the authority of AR 135-178 with a character of service of uncharacterized. An

uncharacterized discharge is given to individuals on active duty who separate prior to completing 180 days of military service, or when the discharge action was initiated prior to 180 days of service. Because the applicant did not complete initial training, she was in an entry level status at the time of his discharge and so received an uncharacterized discharge. The Board reviewed and agreed with the medical reviewer's determination that her stress fracture did not constitute a permanent disability in accordance with AR 635-40, Physical Evaluation for Retention, Retirement, or Separation (20 March 2012). Given the onset of this condition was during basic training, the nature of these injuries, and the treatment thereof in a healthy individual, it would be expected to heal once she was removed for the rigors of military training. Therefore, the Board determined that neither a discharge upgrade nor a referral of this case to the disability system is warranted.

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. Title 10, U.S. Code, chapter 61, provides the Secretaries of the Military Departments with authority to retire or discharge a member if they find the member unfit to perform military duties because of physical disability. The U.S. Army Physical Disability Agency is responsible for administering the Army physical disability evaluation system and executes Secretary of the Army decision-making authority as directed by Congress in chapter 61 and in accordance with DOD Directive 1332.18 and Army Regulation 635-40 (Disability Evaluation for Retention, Retirement, or Separation).

a. Soldiers are referred to the disability system when they no longer meet medical retention standards in accordance with Army Regulation 40-501 (Standards of Medical Fitness), chapter 3.

b. The disability evaluation assessment process involves two distinct stages: the Medical Evaluation Board (MEB) and Physical evaluation Board (PEB). The purpose of the MEB is to determine whether the service member's injury or illness is severe enough to compromise their ability to return to full duty based on the job specialty designation of the branch of service. A PEB is an administrative body possessing the authority to determine whether or not a service member is fit for duty.

c. Service members whose medical condition did not exist prior to service who are determined to be unfit for duty due to disability are either separated from the military or are permanently retired, depending on the severity of the disability. Individuals who are "separated" receive a one-time severance payment, while veterans who retire based upon disability receive monthly military retired pay and have access to all other benefits afforded to military retirees.

3. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted personnel. The regulation in effect at the time states in:

a. Paragraph 3-9, a separation would be described as entry level with uncharacterized service if processing were initiated while a Soldier was in an entry-level status, except when:

(1) An under other than honorable conditions characterization is authorized under the reason for separation and is warranted by the circumstances of the case.

(2) Headquarters, Department of the Army, on a case by case basis, determined a characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by reason of selected changes in service obligation, for convenience of the government, and under Secretarial plenary authority.

(3) The Soldier has less than 181 days of continuous active military service, has completed initial entry training, has been awarded a military occupational specialty, and has reported for duty at a follow-on unit of assignment

4. Army Regulation 15-185 (ABCMR) provides Department of the Army policy, criteria, and administrative instructions regarding an applicant's request for the correction of a military record. Paragraph 2-11 states 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.

5. Section 1556 of Title 10, U.S. Code, 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 (including summaries of verbal 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 (including advisory opinions), and reviews to ABCMR applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//