

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 January 2025

DOCKET NUMBER: AR20240004818

APPLICANT REQUESTS: in effect, removal of a Bar to Reenlistment from her service record and an appearance before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record), with two self-authored statements
- two DA Forms 5501-R (Body Fat Content Worksheet), dated 13 June and 8 October 1987
- Nutrition Note, U.S. Army Medical Department Activity (MEDDAC), dated 26 May 1992
- DA Form 4126-R (Bar to Reenlistment Certificate), dated 7 May 1992
- Bachelor of Science, Texas Wesleyan University, dated 14 December 2001
- Master of Arts, Amberton University, dated 2016
- letter, Amberton University, undated
- five statements of support, dated 6 May 2023 to 5 November 2023
- Department of Veterans Affairs (VA) Rating Decision, dated 18 August 2016
- letter, VA, dated 1 May 2023
- letter, National Personnel Records Center (NPRC), 21 February 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 she was barred from reenlistment for a reason that was not accurate. She believed that she received the bar due to being on the weight control program. When she reviewed her service record, the form states that she failed to provide a Family Care Plan. This is not correct. When she was asked to provide a Family Care Plan, she went to legal, had the form notarized, and submitted it to her chain of command. She did not have a good relationship with her first sergeant or

platoon sergeant. She believes she was targeted. She wants the bar removed because there were no grounds for the action to be taken.

3. The applicant enlisted in the Regular Army on 4 June 1981 for a 3-year period. Upon completion of initial entry training, she was awarded military occupational specialty 71L (Administrative Specialist). A DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was honorably discharged and transferred to the Inactive Ready Reserve (IRR) on 14 June 1984. She completed 3 years and 11 days of net active service this period.

4. The applicant enlisted in the Regular Army on 8 October 1987, for a 4-year period. The highest rank she attained was specialist/E-4.

5. A memorandum from the 127th Postal Company, Army Post Office, New York, dated 29 May 1990, shows the applicant exceeded the body fat standard and was entered in a Weight Control Program. On the same date, the applicant acknowledged understanding her responsibilities to achieve the body fat standards.

6. On 23 October 1990, the applicant received written and oral nutrition and weight reduction counseling.

7. A DA Form 5501-R, dated 1 November 1990, shows the applicant was compliant with the body fat content standard. She was removed from the Weight Control Program, effective 27 November 1990. The applicant acknowledged receipt of the notification on 25 January 1991.

8. A Bar to Reenlistment Certificate, dated 7 May 1992, shows the applicant failed to provide a complete Family Care Plan to her chain of command. She was given four consecutive suspense dates, from 8 January 1991 to 30 April 1992, to submit a plan. The referenced enclosures are not available for review in her service record. Additionally, she failed to qualify on her assigned weapon. The applicant initialed that she had been counseled and advised of the bar to reenlistment; she had been furnished a copy of the commander's recommendation; and she desired to submit a statement in her own behalf. However, she did not submit a response within the allotted time.

9. The Bar to Reenlistment was approved on 4 June 1992. The applicant endorsed the notification on 12 June 1992 and indicated she would appeal the action. The applicant's service record is void of documentation pertaining to an appeal.

10. The applicant's record is void of documentation containing the specific facts and circumstances surrounding her discharge processing. However, the applicant was honorably discharged on 11 September 1992, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), paragraph 16-8, by reason of

convenience of the government: Fiscal Year 1992 Early Transition Program.. Her DD form 214 shows she completed 4 years, 11 months, and 4 days of net active service this period.

11. The applicant provides:

a. Two DA Forms 5501-R, dated 13 June and 8 October 1987; a Nutrition Note, U.S. Army MEDDAC, dated 26 May 1992; and a DA Form 4126-R, dated 7 May 1992 are summarized, in pertinent part, in the Record of Proceedings above.

b. A Bachelor of Science, dated 14 December 2001, Master of Arts, dated 2016, and an alumnus letter from Amberton University, highlight some of the applicant's post-service accomplishments.

c. In five statements of support, dated 6 May 2023 to 5 November 2023, the authors attest to the applicant's character. She is honest, respectful, dependable, and trustworthy. She is a loyal and kind person who is there for her family and others in need. As a Soldier, she was always willing to go above and beyond what was expected. She was respectful to her superiors and had good relationships with her peers. She was a dedicated, trusted, and skilled Soldier.

d. A VA Rating Decision, dated 18 August 2016 and benefits summary, dated 1 May 2023, show the applicant has a 100% combined service-connected disability rating from the VA.

e. A letter from NPRC, dated 21 February 2024, shows that the applicant's service record was previously unavailable, but it has since been returned and is now available in digital format.

12. Regulatory guidance provides a Soldier may be barred from reenlistment for one or a combination of listed infractions to include failure to provide a family care plan and failure to achieve individual weapons qualification.

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. Although the applicant's record does show she was placed on the Army Weight Control Program, she was properly removed from the program once she met Army weight standards. Additionally, the available evidence (specifically the DA Form 41260R, Bar to Reenlistment) shows the applicant was barred for failure to provide a family care plan. The applicant was served a copy of the bar, afforded an opportunity to appeal and the bar was properly approved by the appropriate commander. Therefore, the Board found insufficient evidence of an error or injustice warranting a change to the applicant's record.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

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 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 Army Board for Correction of Military Records (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 regulation provides:
  - a. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. It is not an investigative body.
  - b. 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 600-8-104 (Military Personnel Information Management/Records), in effect at the time, provided the principles of support, standards of service, policies, tasks, rules, and steps governing all work required to support maintaining the Official Military Personnel File (OMPF). The regulation states that once a document is placed in the OMPF, it becomes a permanent part of that file. It is presumed to be administratively correct and to have been filed pursuant to an objective decision by competent authority. Thereafter, the burden of proof rests with the individual concerned to provide evidence of a clear and convincing nature that the document is untrue or unjust, in whole or in part, thereby warranting its alteration or removal from the OMPF.
4. Army Regulation 601-280 (Total Army Retention Program), in effect at the time, prescribed the eligibility criteria and options currently available in the Army Reenlistment Program. Chapter 6 (Bar to Reenlistment Procedures) prescribed procedures to deny reenlistment to soldiers whose immediate separation under administrative procedures is not warranted, but whose reentry into, or service beyond expiration term of service with the Active Army is not in the best interest of the military service. Soldiers may be barred from reenlistment for one or a combination of listed infractions to include failure to provide a family care plan and failure to achieve individual weapons qualification.
5. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) in effect at the time, sets forth the basic authority for the separation of enlisted personnel. Paragraph 16-8 (Early separation due to reduction in force, strength limitations, or budgetary constraints) states Soldiers may be separated prior to their expiration of

enlistment of fulfillment of their active duty obligation when specifically authorized. The service of Soldiers separating under this paragraph will be honorable.

6. The National Defense Authorization Act for Fiscal Year 1992 established voluntary incentive programs to support the Army drawdown. These incentive programs were designed to induce members of the Armed Forces to leave the military voluntarily.

//NOTHING FOLLOWS//