

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 December 2024

DOCKET NUMBER: AR20240005413

APPLICANT REQUESTS: In effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his characterization of service as "Honorable" rather than "Uncharacterized."

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement

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 he wanted to have a career in the military. He was medically cleared before reporting for Basic Combat Training (BCT), but upon arrival his vision worsened and resulted in his discharge. He is currently participating in a Veterans program and until recently, he was under the impression that he was not eligible to receive Department of Veterans Affairs (VA) benefits. He desires a correction of his DD Form 214 so he can qualify for VA medical benefits and receive treatment.
3. The applicant underwent a pre-enlistment medical examination on 27 January 2006. It was noted on his DA Form 2807-1 (Report of Medical History) that he was treated in an emergency room at the age of 10 when he got something in his eye. The examining physician made an entry regarding conjunctivitis in the applicant's eye being cleared. The applicant was found to be medically qualified for enlistment in the Army.
4. On 27 January 2006, the applicant enlisted in the Army National Guard (ARNG) in the rank/grade of private (PV1)/E-1 for a period of 8 years; 6 years of which were to be spent in [REDACTED] ARNG ([REDACTED] ARNG).

5. Orders show, with consent of the Governor [REDACTED], he was ordered to initial active duty for training for completion of Basic Combat Training (BCT) at Fort Leonard Wood, MO with a reporting date of 22 February 2006 followed by completion of Advanced Individual Training (AIT) for military occupational specialty (MOS) 91W (Health Care Specialist) at Fort Sam Houston, TX with a reporting date of 8 May 2006.

6. A DA Form 4707 (Entrance Physical Standards Board (EPSBD) Proceedings) shows an EPSBD was conducted to evaluate the applicant's condition on 24 March 2006. After careful consideration of medical records, laboratory findings, and medical examinations, the board found the applicant was unfit for appointment or enlistment in accordance with current medical fitness standards and in the opinion of the evaluating physicians, the condition existed prior to service (EPTS).

a. During optometry screening he was noted to have decreased vision in his left eye. On further inquiry he reported the onset of blurry vision in his left eye approximately 2 weeks prior to his entry on active duty. He first noticed blurry vision in the left eye while driving when the right eye was momentarily occluded. He reported no pain in the involved eye and no outward change in appearance of the involved eye. He reported no prior injury to the involved eye and no recent or chronic systemic illnesses. The blurry vision was not present on a recent physical at the MEPS [Military Entrance Processing Station] and no waiver for low vision in the left eye is noted in the patient's record.

b. He was diagnosed with optic neuropathy, left eye. His examination findings were consistent with the diagnosis of optic neuropathy or optic neuritis secondary to cat scratch disease or Bartonella-Hensley infection. Prognosis for any visual recovery in the involved eye was guarded. He was also diagnosed with optic pit, left eye. This appeared to be a co-existent and unrelated pathologic finding in the left eye.

c. It was recommended that an EPTS medical board be convened as the applicant was not compatible with military service in accordance with Army Regulation 40-501 (Standards of Medical Fitness), paragraph 2-36k.

d. The applicant was determined to be medically unfit for military service and it was recommended that he be separated from the Army and not train in accordance with Army Regulation 40-501 for failure to meet medical procurement standards due to his EPTS condition.

e. The findings and recommendations of the EPSBD were approved on 24 March 2006.

7. A DA Form 3349 (Physical Profile) shows the applicant was assigned a temporary three-month profile for a diagnosis of Optic Neuropathy/Neuroretinitis which significantly

restricted his ability to train. It was noted that he had poor vision in his left eye. Duties and MOS assignment should not require good central vision or depth perception. Direct Combat, policing roles, and operation of government vehicles should be restricted. He would also require frequent doctor visits. The profile was approved on 24 March 2006.

8. The applicant was counseled regarding the EPSBD process as well as the board's findings, and recommendations. In view of the fact that he was diagnosed with an EPTS condition that would have precluded his enlistment, he was further advised that it was the command's recommendation that he be separated from the Army under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-11, for an EPTS condition.

9. The applicant's case was referred to the Reserve Component Liaison Officer (RCLNO). On 17 April 2006, the RCLNO informed the [REDACTED] ARNG that the applicant did not complete BCT/AIT and would be discharged for failure to meet procurement medical fitness standards due to an EPTS condition. The effective date of discharge would be 10 April 2006

10. Orders and the applicant's DD Form 214 show he was released from active duty, discharged from the Reserve of the Army, and returned to his ARNG unit in the rank/grade of PV1/E-1 on 10 April 2006, under the provisions of Army Regulation 635-200, paragraph 5-11, for failure to meet medical/physical procurement standards. He was assigned separation code "JFW," and reentry code "3." He was not awarded a MOS. He was credited with completion of 1 month and 20 days of net active service. His service was uncharacterized.

11. Orders 227-037, issued by the [REDACTED] ARNG on 15 August 2006, show the applicant was discharged from the Army National Guard in the rank/grade of PV1/E-1 effective 10 April 2006. His type of discharge was "Uncharacterized."

12. The evidence of record shows the applicant was in an entry-level status at the time of his separation processing. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means the Soldier did not serve on active duty long enough for his or her character of service to be rated.

13. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, to include the DoD guidance on liberal consideration when reviewing cases involving discharge upgrade requests, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the short term of service and the medical findings at the time of separation finding the conditions as pre-existing, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

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.

3/17/2025

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 regulation provides that 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.
3. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:
 - a. A separation would be described as entry level with uncharacterized service if the Soldier had less than 180 days of continuous active duty service at the time separation action was initiated.
 - b. An honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. 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.

c. A general discharge is a separation from the Army under honorable conditions. When authorized, it was issued to a Soldier whose military record was satisfactory but not sufficiently meritorious to warrant an honorable discharge.

d. Soldiers separated in an entry-level status receive an uncharacterized character of service. A separation is an entry level status separation if its processing is initiated during the Soldier's first 180 days of continuous active duty. The Secretary of the Army could, on a case-by-case basis, issue an honorable character of service to entry-level Soldiers when clearly warranted by unusual circumstances involving personal conduct or duty performance.

e. Paragraph 5-11 specifically provided that Soldiers who were not medically qualified under procurement medical fitness standards when accepted for enlistment were to be separated. EPSBD proceedings were required to be convened within the Soldier's first 6 months of active duty service, and had to establish the following: that medical authority identified the disqualifying medical condition(s) within 6 months of the Soldier's initial entrance on active duty; that the condition(s) would have permanently disqualified the Soldier from entry into military service, had it been detected earlier; and that the medical condition did not disqualify him/her for retention in military service. A Soldier disqualified under this provision could request retention on active duty; the separation authority made the final determination.

f. The character of service for Soldiers separated under this provision would normally be honorable but would be uncharacterized if the Soldier was in an entry-level status. An uncharacterized discharge is neither favorable nor unfavorable; in the case of Soldiers issued this characterization of service, an insufficient amount of time would have passed to evaluate the Soldier's conduct and performance.

4. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the separation codes to be entered on the DD Form 214. This regulation prescribed that the separation code "JFW" was an appropriate code to assign to Soldiers separated under the provisions of Army Regulation 635-200, paragraph 5-11, by reason of failure to meet procurement medical fitness standards. Additionally, the SPD/RE Code Cross Reference Table established that RE code "3" was the proper reentry code to assign to Soldiers separated under this authority and for this reason.

5. Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation), in effect at the time, governed the evaluation for physical fitness of Soldiers who might be unfit to perform their military duties due to a disability. It states the mere presence of an impairment did not, of itself, justify a finding of unfitness due to physical disability. In each case, it was necessary to compare the nature and degree of the physical disability with the duty requirements of the soldier, based on his or her office, grade, rank, or rating; and a Soldier was presumed to be in sound physical and mental condition upon entering active duty.

//NOTHING FOLLOWS//