

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 December 2024

DOCKET NUMBER: AR20240005500

APPLICANT REQUESTS: in effect, correction of her records to show she was discharged for a service-incurred injury with an honorable character of service.

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)
- 4-page personal statement
- Orders 164-19, Military Entrance Processing Station, [REDACTED] initial active duty for training (IADT), 29 August 2001
- DA Form 3349 (Physical Profile)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 27 August 2002
- Memorandum of Notification of Separation from the U.S. Army Reserve (USAR) and Acknowledgment of Notification of Separation memorandum, 9 October 2002
- DA Form 4651-R (Request for Reserve Component Assignment or Attachment), 31 October 2002
- 64 pages of medical records
- Military Medicine journal article, titled: The Patellofemoral Pain Syndrome in Recruits Undergoing Military Training: A prospective 2-Year Follow-Up Study, Volume 168, April 2003
- Department of Veterans Affairs (VA) Appeal Decision (pertaining to another veteran), dated 12 December 2013

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 requested and received her military records from the National Archives. She had never seen the memorandum dated 9 October 2002 referencing separation under Army Regulation (AR) 135-178 (Army National Guard and Army Reserve Enlisted Administrative Separations), chapter 4, and the fact that it was never signed. She is attesting that she never received a letter advising her that she could apply to the ABCMR for a review of the character of her service. She was discharged due to a medical condition but was never given an official diagnosis.

3. In a four-page personal statement, the applicant further states, in part:

a. She injured her knee in a motor vehicle accident on 25 September 2000. She was taken to the emergency room, and she was diagnosed with knee contusion. She was also playing basketball in high school. On 10 November 2000, she was evaluated at a sports medicine center, and she was diagnosed with left knee internal derangement. She was again evaluated on 14 November and 5 December 2000. She had no further problems after these evaluations. She was further evaluated on 27 August 2001 and no lower extremities defects were noted.

b. She began basic combat training on 5 June 2002 at Fort Leonard Wood, MO. After nearly 6 weeks of training, on or about 16 July 2002, a female Soldier fell on her left knee while her leg was extended causing immediate and excruciating pain. On 7 August 2002, she was issued a physical profile limiting her to walk at her own pace and distance. She had to use crutches, up and down multiple floors. She wore a brace on her knee, and she attended rehab three times a week for approximately three months. She also attended shock therapy three times a week for approximately five weeks.

c. On 24 September 2002, she was examined for her left knee injury, which she reinjured during basic combat training. An MRI was taken, and the results were unremarkable, except for probable grade I chondromalacia of the lateral patella facet. She was referred to a physical therapist who stated he would consider arthroscopic lateral release. She was advised to continue to wear the patellar stabilizer to avert surgical intervention.

d. The applicant's statement continues by providing a chronological record of her post-service medical treatment and concludes by stating the following:

(1) The pain and swelling in her left knee have continued for 24 years. The pain, swelling, and stiffness have become worse with age and weight gain (hypothyroidism). Her family, friends, and her medical caregivers are all aware of her left knee condition and they have often heard it "pop." She believes the pain is derived from the injury during basic combat training in July 2002. Because she was never given an official

diagnosis, she questions the validity of the care and treatment she received at Fort Leonard Wood, MO.

(2) Furthermore, until she received her records from the National Archives, she had never seen the memorandum dated 9 October 2002 referencing separation under the provisions of AR 135-178, chapter 4, and the fact that she never signed it. She is attesting that she never received a letter advising her that she could apply to the ABCMR requesting a review of the characterization of her service. She was discharged due to a medical condition but was never given an official diagnosis. This discharge characterization and not receiving the advice to apply to the ABCMR has impacted her status as a veteran and to receive veteran care and benefits. *The complete 4-page statement was provided to the Board for their review and consideration.*

4. The applicant enlisted in the USAR on 27 August 2001. She entered IADT on 5 June 2002.

5. On 7 August 2002, the applicant was issued a temporary physical profile due to left knee retro-patellar pain syndrome, existed prior to service (EPTS). The physical profile form also shows she was undergoing an EPTS medical board.

6. The applicant's IADT separation proceedings are not available. The available records contain Orders 238-0256, issued by Headquarters, U.S. Army Maneuver Support Center and Fort Leonard Wood, MO on 26 August 2002, ordering the applicant's discharge from the USAR effective 27 August 2002 under the authority of AR 635-200 (Active Duty Enlisted Administrative Separations).

7. The applicant's DD Form 214 shows she was discharged on 27 August 2002 under the provisions AR 635-200, paragraph 5-11, by reason of failed medical/physical procurement standards, with a character of service of uncharacterized. The DD Form 214 also shows she completed 2 months and 23 days of active service and was not awarded a military occupational specialty.

8. A memorandum from Commander, Headquarters and Headquarters Detachment, 243rd Quartermaster Battalion, dated 9 October 2002 (provided by the applicant), shows her USAR unit commander informed her he was initiating action to separate her from the USAR for the convenience of the government under the provisions of AR 135- 178, paragraph 4-4. The commander stated the reason for the proposed separation action was the applicant's failure to complete phase 1 of basic combat training. (Note: AR 135-178, chapter 4, of the regulation in effect at time, pertains to separations after expiration of service obligation.

9. The applicant also provides:

a. An Acknowledgment of Notification of Separation memorandum dated 9 October 2002, which was not complete and/or signed by her.

b. A VA Appeal Decision pertaining to another veteran's appeal for educational benefits under the Post 9/11 GI Bill. It is not clear the reason for the applicant's submission of this document in support of her application.

10. 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/or 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 27 August 2002 uncharacterized discharge with changes in her separation code and narrative reason for separation. She states she injured her left knee in a September 2000 motor vehicle accident and then strained her left knee after entering basic combat training.

c. The Record of Proceedings details the applicant's military service and the circumstances of the case. The applicant's DD 214 for the period of service under consideration shows the former USAR Soldier entered the regular Army for BCT on 5 June 2002 and was discharged on 27 August 2002 under provisions provided by paragraph 5-11 of AR 635-200, Active Duty Enlisted Administrative Separations (26 June 1996): Separation of personnel who did not meet procurement medical fitness standards.

d. Paragraph 5-11a of 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 AD or ADT for initial entry training, may be separated. Such conditions must be discovered during the first 6 months of AD. Such findings will result in an entrance physical standards board. This board, which must be convened within the soldier's first 6 months of AD, takes the place of the notification procedure (para 2–2) required for separation under this chapter.”

e. On 7 August 2002, an orthopedic physician assistant placed the applicant on duty limiting physical profile for “EPTS [existed prior to service] left knee retropatellar pain syndrome” and stated “Undergoing EPTS medical board. No further duty for training purposes.”

f. Neither the applicant’s separation packet nor further documentation addressing her involuntary separation was submitted with the application nor uploaded into iPERMS.

g. It is assumed the applicant was referred to an entry physical standards board (EPSBD) for left knee pain IAW paragraph 5-11 of AR 635-200.

h. EPSBD’s are convened IAW paragraph 7-12 of AR 40-400, Patient Administration. This process is for enlisted Soldiers who within their first 6 months of active service are found to have a preexisting condition which does not meet the enlistment standard in chapter 2 of AR 40-501, Standards of Medical Fitness, but does meet the chapter 3 retention standard of the same regulation. The fourth criterion for this process is that the preexisting condition was not permanently service aggravated.

i. Given the separation authority, it is assumed the EPSBD determined the condition had existed prior to service (EPTS), failed the enlistment standard of AR 40-501, had not been permanently aggravated by her military service, and was not compatible with continued service.

j. Civilian medical documentation shows she was treated for this condition following her discharge.

k. JLV shows the applicant is not registered with the VA.

l. 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, she was in an entry level status at the time of her discharge and so received an uncharacterized discharge. This type of discharge does not attempt to characterize service as good or bad. Through no fault of her own, she simply had a medical condition which was, unfortunately, not within enlistment standards.

m. It is the opinion of the ARBA medical advisor that neither a discharge upgrade nor changes in her separation authority and narrative reason for separation are warranted.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy and regulation. The governing regulation provides that a separation will be described as an entry-level separation, with service uncharacterized, if the separation action is initiated while a Soldier is in entry-level status. Soldiers in the U.S. Army Reserve are authorized an honorable discharge while in entry-level status only if they complete their active duty schooling and earn their designated military occupational specialty. The applicant did not complete training and was released from active duty due to failure to meet procurement medical fitness standards. The Board reviewed and concurred with the medical advisor's review finding neither a discharge upgrade nor a change to the narrative reason for separation are warranted. The Board determined her DD Form 214 properly shows the appropriate characterization of service as uncharacterized.

2. 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.

3/26/2025

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. AR 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.

b. Paragraph 5-11 of the regulation in effect at the time 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 or active duty training for initial entry training, may be separated. Such conditions must be discovered during the first 6 months of active duty. Such findings will result in an Entrance Physical Standards Board. This board must be convened within the Soldier's first 6 months of active duty. Medical proceedings, regardless of the date completed, must establish that a medical condition was identified by an appropriate military medical authority within 6 months of the Soldier's initial entrance on active duty that:

(1) Would have permanently or temporarily disqualified the Soldier for entry into the military service or entry on active duty or active duty training for initial entry training had it been detected at that time.

(2) Does not disqualify the Soldier for retention in the military service per AR 40-501 (Standards of Medical Fitness), chapter 3.

c. Glossary-Section II (Terms), for USAR Soldiers, entry-level status begins upon enlistment in the USAR. It terminates:

(1) For Soldiers ordered to IADT for one continuous period, 180 days after beginning training.

(2) For Soldiers ordered to IADT for the split option, 90 days after beginning advance individual training.

3. AR 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 2-9 states 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 evidence.

4. 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//