

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 October 2024

DOCKET NUMBER: AR20240005508

APPLICANT REQUESTS: a change in his reentry (RE) code from RE-4 to a more favorable code.

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

- DD Form 149 (Application for Correction of Military Record)
- Personal Letter
- Criminal Investigation Division (CID) Report of Investigation, 31 May 2013
- DD Form 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 he is requesting a change in his RE code. Ten years ago he made one of the biggest mistakes of his life and he believes it is not too late to correct it, with the assistance of the Board. He went through a rough divorce, in addition to be young, and he made some poor choices. A lapse in judgment caused him to accept an illegal substance from his squad leader. He failed a urinalysis and an investigation ensued. He was approached by CID to assist in the investigation, and he did everything he could to assist them to stop the selling of it on post. After the dust settled, he was offered an opportunity to remain in military and instead he elected to leave. He feels he made the wrong decision and has regretted it ever since. Although he received a general, under honorable conditions discharge, he also received RE code 4. He is requesting an upgrade of the RE code 4 to have another chance at serving his country honorably and make his father proud. He has done well since getting out and his years of sobriety. He has a well paying job which he loves, he has been married for 3 years, but he misses the military life and believes the structure was a benefit to him. His plan is to rejoin, serve honorably, and serve for as long as he possibly can.

3. The applicant provides a CID Report of Investigation which shows the applicant was charged with wrongful use of cocaine on 3 May 2013 as evidenced by the Unit Urinalysis Inspection, a full investigation was launched, and he was informed of his rights.

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 17 November 2010.

b. The available service record is void of the facts and circumstances concerning the applicant's discharge proceedings.

c. On 23 August 2013, the U.S. Army Installation Management Command, Headquarters, U.S. Army Garrison, Fort Bliss issued Orders Number 235-0015 reassigning him to the U.S. Army transition point for transition processing and discharge effective 28 August 2013.

d. On 28 August 2013, he was discharged from active duty with an under honorable conditions (General) discharge. His DD Form 214 shows he completed 2 years, 9 months, and 14 days of active service with no lost time. He was assigned separation code JKK and the narrative reason for separation listed as "Misconduct (Drug Abuse)," with reentry code 4.

5. On 16 May 2018, the Army Discharge Review Board (ADRB) reviewed the applicant's discharge processing but found it proper and equitable. The ADRB denied his request for a change in the character and/or reason for his discharge.

6. By regulation (AR 601-210), reentry eligibility (RE) codes are used for administrative purposes only and are not to be considered derogatory in nature. They are codes used for identification of an enlistment processing procedure. Table 3-1 lists the following:

a. RE-1 applies to persons completing their term of active service who are considered qualified to reenter the U.S. Army. They are qualified for enlistment if all other criteria is met.

b. RE-3 applies to persons who are not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. They are ineligible unless a waiver is granted.

c. RE-4 applies to persons separated from last period of service with a nonwaivable disqualification. Persons are ineligible for enlistment.

7. By regulation (AR 635-5), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

8. By regulation (AR 635-5-1), separation program designator (SPD) code of "JKK" is listed as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c(2), Misconduct (Drug Abuse). The SPD Code/RE Code Cross Reference Table shows that a Soldier assigned an SPD Code of "JKK" will be assigned an RE Code of 4.

#### BOARD DISCUSSION:

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. Although the applicant's separation packet is not available for review, other evidence shows he was separated under the provisions of chapter 14-12c of AR 635-200 with a narrative reason of misconduct (drug abuse). The narrative reason for separation is governed by specific directives. The narrative reason specified by Army Regulations for a discharge under this paragraph for an enlisted Soldier is "Misconduct," the separation code is "JKK," and the reentry code is "RE 4." AR 635-8, Separation Documents, governs preparation of the DD Form 214 and dictates that entry of the narrative reason for separation, entered in block 28, separation code, entered in block 26, and RE Code, entered in block 27 of the form, will be entered exactly as listed in AR 635-5-1, Separation Program Designator (SPD) Codes. The Board found his Separation Code and corresponding RE Code not to be in error or unjust. Additionally, the Board found no mitigating factors that would merit a change to his RE Code. In view of the foregoing, the Board determined that the RE Code he received upon his discharge was both proper and equitable and there is no reason to change it.

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. Army Regulation 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The

information entered thereon reflects the conditions as they existed at the time of separation.

3. 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 SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c(2), Misconduct (Drug Abuse). The SPD Code/RE Code Cross Reference Table shows that a Soldier assigned an SPD Code of "JKK" will be assigned an RE Code of 4.

4. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), sets forth the basic authority for the separation of enlisted personnel.

a. Paragraph 3-7a (Honorable Discharge) states an honorable discharge is a separation with honor. 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.

b. Paragraph 3-7b (General Discharge) states a general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a member whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions (a pattern of misconduct consisting solely of minor military disciplinary infractions), a pattern of misconduct (consisting of discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline). Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter; however, the separation authority may direct a general discharge if merited by the Soldier's overall record.

//NOTHING FOLLOWS//