

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 February 2025

DOCKET NUMBER: AR20240006163

APPLICANT REQUESTS: in effect,

- correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) by changing the narrative reason for separation and corresponding separation code to show she was discharged due to a medical disability
- to appear before the Board via video/telephone

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Marriage Register document
- Enlistment Medical Examination documents
- Medical Evaluation Board (MEB) proceedings documents
- Separation Packet
- Discharge Orders
- DD Form 214

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 when she joined the Army in 1997, she was excited and looking forward to continuing the legacy of her father and grandfathers. She was young, full of hope and excitement. After getting to Fort Jackson to begin training she was determined to work hard to not only make her family proud but herself as well.

a. She went in with asymptomatic pes planus and was sent home with flat feet, fallen arches and chronic leg, feet, and hip pain (symptomatic severe pes planus). When her feet started swelling after the first week, she kept it to herself because she had seen how other Soldiers in training had been treated. Week two came and the

swelling got worse and along with it came ankle and leg pain. By week three she could not get her boots on and was forced to seek medical attention due to pain and swelling.

b. Once they determined she was "unfit" for duty things began to happen so fast she remembers feeling like her head was spinning. She was issued a profile and sent back to her unit where she was constantly ridiculed and made an example of. It was embarrassing and humiliating having to call her family to let them know what was happening.

c. She was told that she was not fit for duty and that she "should have never got in here with them flat feet." She will never forget hearing that. She was encouraged to just go home and get a regular job because the Army could not use her with flat feet. She signed the paperwork placed before her and the next thing she knew, she was going home.

d. She was laughed at, ridiculed, made an example of, made fun of, and utterly humiliated every day until she left. Going home was the hardest thing for her. Trying to find work and trying to put all of this behind her landed her in therapy, for which she is thankful.

e. It was not until she went to work at Fort Gregg-Adams and was sitting in on a MEB briefing, that she learned about all the services that should have been offered to her. She began to ask questions and as they were explaining the process to her, she was shocked because had the process been broken down to her that way, she would have made different decisions. Her life would be totally different if she had the briefings presented to her the way they are presented now. Being young and made to feel as though the Army had no use for her instead of the services and support that are offered today greatly impacted her life. It is her hope that the Board will change her discharge to either honorable or medical by taking into consideration the way services were presented back then compared to now.

f. The applicant indicates on her DD Form 149 that mental health conditions are related to her request.

3. The applicant underwent a pre-enlistment medical examination on 11 July 1997 and was found to be medically qualified for enlistment.

4. On 20 August 1997, the applicant enlisted in the Regular Army in the rank/grade of private (PV1)/E-1 for a period of 4 years. She was assigned to Fort Jackson, SC, for the purpose of completing Basic Combat Training (BCT).

5. A DA Form 3947 (MEB Proceedings) shows an MEB was conducted to evaluate the applicant's condition on 16 September 1997. After consideration of clinical records,

laboratory findings, and physical examination, 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. The applicant was diagnosed with Pes Planus, symptomatic, EPTS, not permanently aggravated by service.

b. The applicant was determined to be medically unfit for military service and it was recommended that she be separated from the Army under the provisions of Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation), Chapter 5.

c. The applicant acknowledged the MEB findings and recommendation.

6. On 16 September 1997, the applicant rendered a request for separation and waiver of Physical Evaluation Board (PEB) evaluation. She requested to be discharged for physical disability based upon the recommendations of the MEB, which considered her unqualified for retention in the military because of physical disability that was found to have existed EPTS. The MEB found the disability neither incident to nor aggravated by her military service.

a. The applicant acknowledged being fully informed and understanding that she was entitled to the same consideration and processing as any other Soldier of the Army separated for physical disability, to include a PEB. However, she elected not to exercise that right. She also understood the Department of Veterans Affairs (VA) would determine her entitlement to VA benefits.

b. The applicant further acknowledged that if her application was approved, she would be separated by EPTS physical disability and would receive a discharge in keeping with the character of her service as decided by the officer designated to affect her separation.

7. The applicant's company and battalion commanders recommended approval of her request for separation.

8. On 22 September 1997, the separation authority approved the applicant's request and directed that she be discharged with an "uncharacterized" characterization of service.

9. Orders and the applicant's DD Form 214 show she was discharged in the rank/pay grade of PV1/E-1 on 29 September 1997, under the provisions of Army Regulation 635-40, Chapter 5, by reason of Disability, Existed Prior to Service-Medical Board. She was assigned Separation code "KFW," and Reentry code "3." She did not complete initial

entry training and was not awarded a military occupational specialty. She was credited with completion of 1 month and 10 days of net active service. Her service was Uncharacterized.

10. On 12 December 2024, the applicant provided an electronic mail response to a request for documentation in support of her mental health condition. She stated she does not have those records, nor can they be obtained from her provider. She was seen by psych and a therapist from 1997-1999 and those records were archived and have been purged. The provider's office does not even exist anymore, and she did not know at the time that she needed to obtain or keep copies. She was never seen at any VA site because although she signed those forms, it was never clearly explained to her that she could seek help from the VA. The Army of the 90s is not the Army of today. She arrived at Fort Jackson excited and healthy; she went home in a soft shoe boot depressed and anxious. She bounced from job to job because the Army was her only plan and having to pivot from that was difficult. She did not know that she was possibly eligible/entitled to any type of resources until she went to work at Fort Gregg-Adams.

11. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition. By regulation, an applicant is not entitled to a hearing before the Board.

12. Based on the applicant's petition referring to suffering from mental health conditions, the Army Review Boards Agency (ARBA) medical staff provided a medical review for the Board members. See the "MEDICAL REVIEW" section below.

13. MEDICAL REVIEW:

a. Background: The applicant is requesting a change in the narrative reason for separation and corresponding separation code to show she was discharged due to a medical disability. The applicant selected OMH on her application as related to her request.

b. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following:

- Applicant underwent a pre-enlistment medical examination on 11 July 1997 and was found to be medically qualified for enlistment.
- Applicant enlisted in the Regular Army on 20 August 1997.
- A DA Form 3947 (MEB Proceedings) shows an MEB was conducted to evaluate the applicant's condition on 16 September 1997. After consideration of clinical records, laboratory findings, and physical examination, 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).

- Orders and the applicant's DD Form 214 show she was discharged on 29 September 1997, under the provisions of Army Regulation 635-40, Chapter 5, by reason of Disability, Existed Prior to Service-Medical Board. She was assigned Separation code "KFW," and Reentry code "3." She did not complete initial entry training and was not awarded a military occupational specialty. She was credited with completion of 1 month and 10 days of net active service. Her service was Uncharacterized.

c. Review of Available Records: The Army Review Board Agency's (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant states when she joined the Army in 1997, she was excited and looking forward to continuing the legacy of her father and grandfathers. She was young, full of hope and excitement. After arriving at Fort Jackson to begin training she was determined to work hard to not only make her family proud but herself as well. She went in with asymptomatic pes planus and was sent home with flat feet, fallen arches and chronic leg, feet, and hip pain (symptomatic severe pes planus). When her feet started swelling after the first week, she kept it to herself because she had seen how other Soldiers in training had been treated. Week two came and the swelling got worse and along with it came ankle and leg pain. By week three she could not get her boots on and was forced to seek medical attention due to pain and swelling. Once they determined she was "unfit" for duty things began to happen so fast she remembers feeling like her head was spinning. She was issued a profile and sent back to her unit where she was constantly ridiculed and made an example of. It was embarrassing and humiliating having to call her family to let them know what was happening. She was told that she was not fit for duty and that she "should have never got in here with them flat feet." She will never forget hearing that. She was encouraged to just go home and get a regular job because the Army could not use her with flat feet. She signed the paperwork placed before her and the next thing she knew, she was going home. She was laughed at, ridiculed, made an example of, made fun of, and utterly humiliated every day until she left. Going home was the hardest thing for her. Trying to find work and trying to put all of this behind her landed her in therapy, for which she is thankful. It was not until she went to work at Fort Gregg-Adams and was sitting in on a MEB briefing, that she learned about all the services that should have been offered to her. She began to ask questions and as they were explaining the process to her, she was shocked because had the process been broken down to her that way, she would have made different decisions. Her life would be totally different if she had the briefings presented to her the way they are presented now. Being young and made to feel as though the Army had no use for her instead of the services and support that are offered today greatly impacted her life. It is her hope that the Board will change her discharge to either honorable or medical by taking into consideration the way services were presented back then compared to now.

d. Due to the period of service no active-duty electronic medical records were available for review. A DA Form 3947 (MEB Proceedings) shows an MEB was conducted to evaluate the applicant's condition on 16 September 1997. After consideration of clinical records, laboratory findings, and physical examination, 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). The applicant was diagnosed with Pes Planus, symptomatic, EPTS, not permanently aggravated by service. The applicant was determined to be medically unfit for military service and it was recommended she be separated from the Army under the provisions of Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation), Chapter 5. On 16 September 1997, the applicant rendered a request for separation and waiver of Physical Evaluation Board (PEB) evaluation. She requested to be discharged for physical disability based upon the recommendations of the MEB, which considered her unqualified for retention in the military because of physical disability that was found to have existed EPTS. The MEB found the disability neither occurred nor was aggravated by military service.

e. The VA's Joint Legacy Viewer (JLV) was reviewed and indicates the applicant is not service connected and there is no evidence she has been treated for a behavioral health condition via the VA. On 12 December 2024, the applicant provided an electronic mail response to a request for documentation in support of her mental health condition. She stated she does not have those records, nor can they be obtained from her provider. She was seen by psychiatry and a therapist from 1997-1999 and those records were archived and have been purged. The provider's office does not even exist anymore, and she did not know at the time that she needed to obtain or keep copies. She was never seen at any VA site because although she signed those forms, it was never clearly explained to her that she could seek help from the VA. The Army of the 90s is not the Army of today. She arrived at Fort Jackson excited and healthy; she went home in a soft shoe boot depressed and anxious.

f. Based on the information available, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to support the applicant had a behavioral health condition during military service.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant selected OMH on her application as related to her request.

(2) Did the condition exist or experience occur during military service? No. There is no medical documentation indicating the applicant was diagnosed with any BH condition during military service or after her discharge.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. There is insufficient evidence of any BH condition. There is no evidence of any in-service BH diagnoses, the VA has not service-connected the applicant for any BH condition, and there are no VA electronic records indicating she has been treated for any other mental health condition. And while the applicant selected OMH on her application, she did not provide any medical documentation substantiating any BH diagnosis. Overall, the applicant does not appear to have been discharged due to any misconduct. An uncharacterized discharge is given to individuals who separate prior to completing 180 days of military service, or when the discharge action was initiated prior to 180 days of service. 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. It is the opinion of this ARBA Advisor that neither an upgrade of her discharge nor a change in her narrative reason for separation is warranted.

h. Per Liberal Consideration guidelines, her selection of OMH on her application is sufficient to warrant consideration by the Board.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, the evidence found within the military record, and published Department of Defense guidance for consideration of discharge upgrade requests, the Board found that relief was not warranted.

2. The Board carefully considered the applicant's contentions, her record and length of service, the documented condition that existed prior to service that caused her to be medically unfit for military service and the reason for her separation. The Board considered the applicant's check of the OMH box on her application and the review and conclusions of the Agency medical advising official to include VA records. The Board found: (1) the applicant selected OMH on her application as related to her request; (2) there is no medical documentation indicating the applicant was diagnosed with any BH condition during military service or after her discharge; (3) there is insufficient evidence of any BH condition related to her separation. Based on a preponderance of evidence, the Board determined that the reason the applicant's separation was not in error or unjust that the no change is warranted as a matter of liberal consideration.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, 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.

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.

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, Section 1556, provides the Secretary of the Army shall ensure that an applicant seeking corrective action by the ARBA is provided a copy of all correspondence and communications, including summaries of verbal communications, with any agencies or persons external to agency or board, or a member of the staff of the agency or Board, that directly pertains to or has material effect on the applicant's case, except as authorized by statute.

3. 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. The ABCMR may, in its discretion, hold a hearing. 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.

4. Army Regulation 635-200 (Personnel Separations - Enlisted Personnel) 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 her/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.

5. 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 "KFW" was an appropriate code to assign to Soldiers separated under the provisions of Army Regulation 635-200, chapter 5, by reason of Disability, existed prior to service-Medical Board. Additionally, the SPD/ Reentry Eligibility (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.

6. 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.

7. On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to Discharge Review Boards (DRB) and Boards for Correction of Military/Naval Records (BCM/NR) when considering requests by Veterans for modification of their discharges

due in whole or in part to: mental health conditions, including post-traumatic stress disorder (PTSD); traumatic brain injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

8. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, Boards shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//