

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 March 2025

DOCKET NUMBER: AR20240006414

APPLICANT REQUESTS: an upgrade of her character of service from under other than honorable conditions (UOTHC) to honorable.

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

DD Form 149 (Application for Correction of Military Record), 13 May 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 taken advantage of while in basic and was separated from service in what looks like a tactic to cover up the incident. She cannot file for Department of Veterans Affairs (VA) benefits to help her mental health condition that her service has caused.
3. On her DD Form 149 she annotates post-traumatic stress disorder (PTSD) and sexual assault/harassment are related to this request.
4. The applicant enlisted in the Regular Army on 1 November 1988.
5. Her DA Form 4707 (Entrance Physical Standard Board (EPSBD) Proceedings), dated 30 January 1989, shows she underwent an EPSBD based upon a diagnosis of pelvic inflammatory disease. After careful consideration of medical records, the EPSBD determined the applicant was unfit for enlistment in accordance with medical fitness standards at the time. As a result, she was recommended for discharge. On 31 January 1989, she concurred with the recommendation and requested to be discharged from the U.S. Army without delay.
6. The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was discharged on 7 February 1989, under the provisions of Army

Regulation 635-200 (Personnel Separations – Enlisted Personnel), paragraph 5-11, by reason of did not meet procurement medical fitness standards - no disability. Her service was characterized as UOTHC. She was credited with 3 months and 7 days of net active service. She was not awarded a military occupational specialty.

7. During the processing of this case, the Criminal Investigation Division sent correspondence on 21 February 2025, stating a search of the Army criminal file indexes revealed no Sexual Assault and Harassment investigation(s) were found pertaining to the applicant.

8. In reaching its determination, the Board can consider the applicant's petition, service record, and statements in light of the published guidance on equity, injustice, or clemency.

9. MEDICAL REVIEW:

a. Background: The applicant is requesting an upgrade of her character of service from under other than honorable conditions (UOTHC) to honorable. The applicant selected PTSD and MST 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 enlisted in the Regular Army on 1 November 1988.
- DA Form 4707 (Entrance Physical Standard Board (EPSBD) Proceedings), dated 30 January 1989, shows she underwent an EPSBD based upon a diagnosis of pelvic inflammatory disease. After careful consideration of medical records, the EPSBD determined the applicant was unfit for enlistment in accordance with medical fitness standards at the time. As a result, she was recommended for discharge. On 31 January 1989, she concurred with the recommendation and requested to be discharged from the U.S. Army without delay.
- Applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was discharged on 7 February 1989, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), paragraph 5-11, by reason of did not meet procurement medical fitness standards - no disability. Her service was characterized as UOTHC, with separation code JFT, and RE 3. She was credited with 3 months and 7 days of net active service. She was not awarded a military occupational specialty.

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 she was taken advantage of while in basic and was separated from service in what looks like a tactic to cover up the incident. She cannot

file for Department of Veterans Affairs (VA) benefits to help her mental health condition that her service has caused. However, she does not provide a clear statement indicating what might have happened other than selecting MST on her application.

d. Due to the period of service no active-duty electronic medical records were available for review. An Entrance Physical Standard Board (EPSBD) Proceedings, dated 30 January 1989, shows she underwent an EPSBD based on a diagnosis of pelvic inflammatory disease. The physician noted the applicant had a history of recurrent infections with evidence she was treated in September 1988 with two separate medications without resolution. After careful consideration of the medical records, the EPSBD determined the applicant was unfit for enlistment in accordance with medical fitness standards at the time.

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 any behavioral health condition. During the processing of this case, the Criminal Investigation Division sent correspondence on 21 February 2025, stating a search of the Army criminal file indexes revealed no Sexual Assault or Harassment investigation(s) were found pertaining to the applicant.

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 that could potentially mitigate her discharge. Regardless, a behavioral health condition would not mitigate failure to meet procurement standards due to a preexisting medical condition.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant selected PTSD and MST 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. The applicant was separated from military service due to a preexisting medical condition that failed procurement standards. She enlisted in November 1988 and there is medical documentation stating she was treated for recurrent pelvic inflammatory disease in September 1988 with two medications without resolution of the condition. There is no mitigation since a behavioral health condition would not mitigate failure to meet

procurement standards due to a preexisting medical condition. Although the applicant insinuates the possibility of an MST, she “was taken advantage of,” she does not provide details or information of what might have occurred. In addition, 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 mental health condition. And while the applicant selected PTSD on her application, she did not provide any medical documentation substantiating any BH diagnosis. Of note, typically such a discharge is characterized as entry level/uncharacterized not as UOTHC.

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

BOARD DISCUSSION:

After reviewing the application and all supporting documents, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined partial relief was warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. Based upon the short term of honorable service completed prior to the events leading to the applicant’s separation, which did not include misconduct, as well as the regulatory guidance related to separations initiate within the first 180 days of military service, the Board concluded there was sufficient evidence to upgrade the applicant characterization of service to Uncharacterized.

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
:XXX	:XXX	:XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by reissuing the applicant a DD Form 214 showing:

- Characterization of Service: Uncharacterized
- Separation Authority: AR 635-200
- Separation Code: JFM
- Reentry Code: No change
- Narrative Reason for Separation: Released for Conditions Existing Prior to Service

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to upgrading the characterization of service to Honorable.

//SIGNED//

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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 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. Section 1556 of Title 10, U.S. Code, requires the Secretary of the Army to ensure that an applicant seeking corrective action by 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.

3. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel.

a. 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.

b. A general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A characterization of under honorable conditions may be issued only when the reason for the Soldier's separation specifically allows such characterization.

c. Paragraph 5-11 (Separation of Personnel who did not Meet Procurement Medical Fitness Standards) provides that 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 entrance on active duty, active duty for training, or initial entry training would be separated. Medical proceeding, regardless of the date completed, must establish that a medical condition was identified by appropriate medical authority within six months of the Soldier's initial entrance on active duty, that the condition would have permanently or temporarily disqualified the Soldier for entry into military service had it been detected at that time, and the medical condition did not disqualify the Soldier from retention in the service under the provisions of Army Regulation 40-501(Standards of Medical Fitness).

d. 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. 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; Traumatic Brain Injury; sexual assault; or sexual harassment. Standards for

review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the sexual assault or sexual harassment was unreported, or the mental health condition was not diagnosed until years later. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on those conditions or experiences.

5. 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.

//NOTHING FOLLOWS//