

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 March 2025

DOCKET NUMBER: AR20240006489

APPLICANT REQUESTS: an upgrade of her uncharacterized discharge to honorable.

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

- DD Form 149 (Application for Correction of Military Record)
- Department Of Veterans Affairs (VA) letter showing her service-connected disability evaluation as 30 percent effective 1 October 2003.
- 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 she is requesting her discharge be changed to honorable. She did not have any disciplinary actions. Her discharge was due to a service-connected injury. She attempted to rehabilitate, but the injury would not heal.
3. A review of the applicant's service record shows:
  - a. She enlisted in the Regular Army on 8 May 2008.
  - b. A DD Form 5181-R (Screening Note of Acute Medical Care), dated 10 June 2003, shows the applicant was undergoing a screening for pain in the right wrist.
  - c. A DD Form 2173 (Statement of Medical Examination and Duty Status), dated 21 August 2003, shows in Item 11d (Medical Opinion) injury was in line of duty.
  - d. On 2 September 2003 a memorandum indicates a line of duty (LOD) investigation was directed. The available service record is void the LOD investigation.

e. Her commander notified her of his intent to separate her under the provisions (UP) of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separation), chapter 11 for Entry Level Performance and Conduct.

f. She was advised by consulting counsel of the basis for the contemplated action to separate me for Entry Level Performance and Conduct, under the provisions (UP) of Chapter 11, AR 635-200, and its effects; of the rights available to her; and the effects of any action by her waiving her rights.

g. Her commander/chain of command recommended approval and her character of service, as uncharacterized.

h. On 12 September 2003, the separation authority approved separation UP of AR 635-200, chapter 11 for entry level performance and conduct with the issuance of an uncharacterized discharge.

i. She was discharged on 18 September 2003 and her service was uncharacterized, she completed 4 months and 11 days of active service.

- Item 26 (Separation Code): JGA
- Item 27 (Reentry Code): 3
- Item 28 (Narrative Reason for Separation): Entry Level Performance and Conduct

#### 4. 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 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 18 September 2003 uncharacterized. She states:

"I believe I should have an honorable discharge because I didn't get discharged for doing anything wrong. I just was unable to honor my commitment due to service connected injury."

c. The Record of Proceedings details the applicant's military service and the circumstances of the case. Her DD 214 shows she entered the regular Army on 8 May 2003 and was discharged on 18 September 2003 under provisions provided in chapter 11 of AR 635-200, Personnel Separations – Enlisted Personnel (1 November 2000), for falling below entry level performance and conduct standards.

d. Medical documentation shows the applicant seen and evaluated for left wrist pain which started on the pugil/bayonet course on 6 June 2003. The only encounters in AHLTA are wrist and bone scan studies which were performed in June and were negative.

e. In an undated memorandum, her company commander informed the applicant he was initiating action to separate her under chapter 11 of AR 635-200 for "Lack of Ability."

f. The battalion commander approved her separation with an uncharacterized discharge on 12 September 2003.

g. JLV shows he has been awarded multiple VA service-connected disability ratings, including a 10% rating for limited motion of her right wrist effective 19 September 2003. However, the DES only compensates an individual for permanent service incurred medical condition(s) which have been determined to disqualify him or her from further military service and consequently prematurely ends their career. The DES has neither the role nor the authority to compensate service members for anticipated future severity or potential complications of conditions which were incurred or permanently aggravated during their military service. These roles and authorities are granted by Congress to the Department of Veterans Affairs and executed under a different set of laws.

h. 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.

i. It is the opinion of the Agency Medical Advisor that an upgrade of her discharge is not 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. The applicant did not complete training and was released from active duty due to entry level performance and conduct. The Board reviewed and concurred with the medical advisor's review. 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 |
| :XXX | :XXX | :XXX | 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.

//SIGNED//

X

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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. Army Regulation 635-200 (Active Duty Enlisted Administrative Separation), in effect at the time, sets forth the basic authority for the separation of enlisted personnel.

a. 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. 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 11 sets policy and provides guidance for the separation of personnel because of unsatisfactory performance or conduct (or both) while in an entry-level status. It states when separation of a member in entry-level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both) as evidenced by inability, lack of reasonable effort, or failure to adapt to the military environment, the member normally will be separated per this chapter. This separation policy applies to

Soldiers who enlisted in the Regular Army, Army National Guard, or U.S. Army Reserve who are in entry level status and, before the date of initiation of separation action, have completed no more than 180 days of creditable continuous active duty or IADT by the date of separation and have demonstrated they are not qualified for retention for one or more of the following reasons:

- cannot or will not adapt socially or emotionally to military life
- cannot meet the minimum standards prescribed for successful completion of training because of lack of aptitude, ability, motivation or self-discipline
- have demonstrated character and behavior characteristics not compatible with satisfactory continued service
- failed to respond to counseling

3. Section 1556 of Title 10, United States 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 Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//