

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2025

DOCKET NUMBER: AR20240006649

APPLICANT REQUESTS:

- correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her narrative reason for separation was “hardship pregnancy” in lieu of “pregnancy”
- an opportunity to appear before the Board by video or telephone

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Dissolution of Marriage or Annulment Certificate

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, in effect, item 28 (Narrative Reason for Separation) of her DD Form 214 should be amended to show “hardship pregnancy” in lieu of “pregnancy.” Her narrative reason for separation is affecting her ability to buy a home for her family. She also states during her discharge she was advised her situation was considered a hardship due to the domestic violence she was experiencing from her spouse who was fighting with her peers/other Soldiers in her unit. Additionally, she states she did not serve in combat, but she saved a life during advanced individual training when she was able to convince another Soldier to tell the truth about a rape that occurred.
3. On 13 January 1998, the applicant enlisted in the Regular Army (RA) for 6 years. She completed the training requirements and was awarded military occupational

specialty (MOS) 52G (Power Generation Equipment Repairer). On 31 July 1998, she was assigned to Germany with duties in her MOS.

4. The complete facts and circumstances surrounding the applicant's period of active service from 13 January 1998 to 1 April 1999 are not available for review with this case. However, the available evidence does contain a DD Form 214 that was prepared at the time of separation.

a. Her DD Form 214 shows, on 1 April 1999, she was released and transferred to the United States Army Reserve (USAR) Control Group (Reinforcement). She completed 1 year, 2 months, and 19 days of creditable active service. Her awards are listed as the Good Conduct Medal, Army Service Ribbon, and Marksman Marksmanship Qualification Badge Rifle (M-16). Her DD Form 214 also reflects in:

b. Her DD Form 214 includes the following information:

- Item 24 (Character of Service), Honorable
- Item 25 (Separation Authority), Army Regulation (AR) 635-200, Chapter 8
- Item 26 (Separation Code), "MDF"
- Item 27 (Reentry Code), "3"
- Item 28 (Narrative Reason for Separation), Pregnancy

5. The applicant provided a Lancaster County, Nebraska, Dissolution of Marriage, or Annulment Certificate confirming the applicant was married on 16 October 1997 and the marriage was dissolved on 7 April 2003. Her last name was restored to her maiden name.

6. The applicant's submissions were provided to the Board in their entirety.

7. Her service record shows she was released from active duty due to "pregnancy." According to the Army Regulation (AR) 635-200, she was assigned the appropriate SPD code, RE code, and narrative reason for separation.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.

2. The Board carefully considered the applicant’s contentions, her available record of service, the absence of a separation packet and the reason for her separation as reflected on her DD Form 214. The Board considered her statement and her subsequent change in marital status. The record does not contain and other than her statement, the applicant did not provide evidence to show evidence of domestic violence or hardship as related to her separation or other relevant circumstances at the time of her service related for the Board to consider. Based on a preponderance of evidence, the Board determined that the applicant’s reason for separation was not in error or unjust.

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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.
3. AR 635-200 provides for the separation of enlisted personnel. Chapter 8 establishes policy and procedures and provides authority for voluntary separation of enlisted women because of pregnancy. The unit commander will direct an enlisted woman who believes that she is pregnant to report for diagnosis by a physician. When medical authorities determine an enlisted woman is pregnant, she will be counseled and assisted as required by chapter 8. The unit commander will explain the purpose of the counseling is to provide information concerning options, entitlements, and responsibilities and that the Soldier may remain on active duty or upon request, be separated per this chapter.
4. AR 635-5 (Separation Documents), in effect at the time of the applicant's active-duty service, prescribed the separation documents prepared for Soldiers upon retirement,

discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The regulation also states that a DD Form 214 will be prepared for all personnel at the time of retirement, discharge, or release from active duty, including USAR personnel who are separated after completing 90 days or more of continuous active duty.

5. AR 635-5-1 (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. The SPD code "MDF" is the appropriate code to assign Soldiers separated under the provisions of AR 635-200, chapter 8, by reason of pregnancy.

6. The SPD/RE Code Cross Reference Table stipulates the RE code of "3" would be assigned to members separated with the SPD code of "MDF."

7. AR 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the RA and the USAR. Table 3-1 includes a list of the RA RE codes:

a. RE-1 applies to Soldiers 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 are met.

b. RE-3 applies to Soldiers 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.

8. On 3 September 2014, the Secretary of Defense directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations, and mitigating factors, when taking action on applications from former service members administratively discharged under other than honorable conditions, and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

9. On 24 February 2016, the Acting Principal Deputy Under Secretary of Defense directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to waive the imposition of the statute of limitation for service members requesting discharge upgrades related to PTSD or TBI. Additionally, cases previously considered by either the DRBs, BCMRS, or BCNR

without the benefit of the application of the Supplemental Guidance, shall be, upon petition, granted de novo review utilizing the Supplemental Guidance.

10. 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 DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole, or in part, to mental health conditions, including PTSD; TBI; sexual assault; sexual harassment. Boards were directed 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 that misconduct which led to the discharge.

//NOTHING FOLLOWS//