

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2025

DOCKET NUMBER: AR20240006862

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 10 September 1997, by upgrading her uncharacterized characterization of service discharge to an honorable discharge.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- DD Form 214 for the period ending 10 September 1997

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, she believes her discharge was erroneous as she has never had an issue with any physical test before the military. She was never informed of the reason she was being sent home.
3. The applicant enlisted in the United States Army Reserve (USAR) on 19 May 1997. She was ordered to active duty for initial active duty training (IADT), for the purpose of competing initial entry training on 22 July 1997.
4. A DA Form 4707-C (Entrance Physical Standards Board (EPSBD) Proceedings), 12 August 1997 shows her chief complaint as right knee pain.
 - a. In her second week of basic training, she was on the bayonet course and sustained a knee injury which was accompanied by the deformity of her kneecap out to the side of her leg. This was noticed by her drill instructor and the kneecap was reduced while on the course. She was able to continue with her training at that time; however, four days after that injury, she went to the medical clinic was having pain that was prohibiting her from continuing to run and train. She was then referred to the

orthopedics clinic. Of note, she states that three years ago while in high school track, she sustained a similar knee injury with patellar dislocation. She was told at that time that she might have injured ligaments. Nonetheless, she was able to continue with her track career later on. She did not receive any physical therapy or other treatment at that time.

b. The EPSBD assessed her as having a recurrent patellar instability and recommended she be discharged in accordance with Army Regulation 40-501 (Standards of Medical Fitness), paragraph 2-10d(2) as she does not meet fitness standards for enlistment.

c. She acknowledged the EPSBD findings on 27 August 1997, and further acknowledged that she had been advised that legal counsel from an Army attorney was available to her or she could consult civilian counsel at her own expense. She could request discharge from the Army without delay or request retention on active duty. She concurred with the proceedings and requested discharge from the Army without delay.

5. Her commander recommended her separation from service on the same date. The separation authority approved the recommendation on 2 September 1997 and directed her discharge from the Army.

6. Headquarters, U.S. Army Engineer Center and Fort Leonard Wood, For Leonard Wood, MO, Orders 251-0351, 8 September 1997 discharged her from the USAR effective 10 September 1997.

7. The applicant was discharged on 10 September 1997, under the provisions of Army Regulation 635-200, paragraph 5-11, by reason of failure to meet procurement medical fitness standards. Her DD Form 214 shows her characterization of service was categorized as uncharacterized, with a separation code of "JFW", and credited with completing 1 month and 19 days of net active service. She did not complete initial entry training and was not awarded a military occupational specialty.

8. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active duty service. The evidence of record shows the applicant was in an entry-level status at the time her separation processing commenced. As a result, her service was appropriately described as "uncharacterized" in accordance with governing regulations.

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. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's request and available military records, the Board noted the applicant's assertions that she sustained a knee injury during basic training and was subsequently discharged due to a medical condition that prevented her from completing initial entry training. Contending that her service should be recognized as honorable given the circumstances surrounding her separation.

2. The Board determined the applicant enlisted in the USAR on 19 May 1997 and was ordered to active duty for initial entry training on 22 July 1997. On 12 August 1997, she was evaluated by the Entrance Physical Standards Board (EPSBD), which diagnosed her with recurrent patellar instability and recommended separation under AR 40-501, paragraph 2-10d(2), for failure to meet procurement medical fitness standards. The Board found the applicant's DD Form 214 reflects a characterization of service as "uncharacterized," consistent with her entry-level status at the time of separation. By regulation, Soldiers separated within the first 180 days of active duty who do not complete initial entry training are issued an uncharacterized discharge. This designation is administrative in nature and does not imply misconduct or reflect negatively on the Soldier's service. The applicant completed 1 month and 19 days of active duty and was not awarded a military occupational specialty. The Board determined there is no evidence of error or injustice in the applicant's discharge processing based on her entry-level status and failure to complete training. As such, relief is denied.

BOARD VOTE:

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

X //SIGNED//

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 40-501 (Standards of Medical Fitness), governs medical fitness standards for enlistment, induction, appointment, retention, and separation. Chapter 2 provides for the physical standards for enlistment or induction.
3. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, sets policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons.
 - a. Entry-level status is defined as the first 180 days of continuous active service for Regular Army Soldiers.
 - b. A separation would be described as entry level with uncharacterized service if processing was initiated while a Soldier was in an entry-level status, except when:
 - (1) an under other than honorable conditions characterization was authorized by the reason for separation and was warranted by the circumstances of the case; or

(2) the Secretary of the Army, on a case by case basis, determined a characterization of service as honorable was clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization was authorized when the Soldier was separated by reason of selected changes in service obligation, for convenience of the government, and under Secretarial plenary authority.

c. Paragraph 3-7a provides that 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.

d. Paragraph 5-11 provided 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. A medical proceeding, regardless of the date completed, must establish that a medical condition was identified by appropriate medical authority within 6 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. 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.

4. Army Regulation 635-5-1 (Personnel Separations – Separation Program Designators (SPD)), in effect at the time, prescribes the specific authorities (regulatory, statutory, or other directives), the reasons for the separation of members from active military service, and the SPD to be used for these stated reasons. It shows separation by paragraph 5-11 of Army Regulation 635-200 the reason of separation to be "failure to meet procurement medical fitness standards" and the SPD code of "JFW."

//NOTHING FOLLOWS//