

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 December 2024

DOCKET NUMBER: AR20240007240

APPLICANT REQUESTS: an honorable discharge vice entry-level status.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 pregnant before she enlisted. However, she did not know that she was pregnant upon enlisting. Furthermore, the test given by the Army before she enlisted should have been a reason for not allowing her to advance to basic training. This correction should be made because she did not know she was pregnant when enlisting. Her child was born in July. This means she was three months along in December 1983. The test given should have shown positive and she should not have been dishonorably discharged. Please consider the fact that she was willing to serve her country at an early age. The mistake is not her fault. She should be considered as honorable or medical discharge.
3. The applicant underwent an entrance physical on 1 November 1983. On her Standard Form (SF) 93 (Report of Medical History) she reported she was in good health. The SF88 (Report of Medical Examination) shows she was found acceptable for enlistment.
4. The applicant enlisted in the Regular Army on 6 December 1983.
5. DA Form 3349 (Physical Profile Board Proceedings) shows she was issued a pregnancy profile on 13 December 1983, with an expected delivery date of 17 July 1984. She was returned to her unit for separation processing under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), chapter 7-15.

6. On 13 December 1983, she was counseled concerning a positive pregnancy test at reception. She was informed that she would not be allowed to ship to basic training and that discharge proceedings would be initiated. She acknowledged.

7. On 13 December 1983, she was notified by her commander that she was initiating action to separate her under the provisions of AR 635-200, paragraph 7-15 (erroneous enlistment) existing prior to service pregnancy. She was notified if she was in entry level status (less than 180 days of continuous active duty) her service will be uncharacterized. She acknowledged the same day.

8. She did not make an election to seek counsel and waived a separation medical examination.

9. On 13 December 1983, the reception commander approved separation for discharge under the provisions of AR 635-200, chapter 7 paragraph 15. He directed her service be uncharacterized.

10. Accordingly, she was discharged on 19 December 1983, under the provisions of AR 635-200, chapter 7, section III, paragraph 7-15. Her DD Form 214 shows she completed 14 days active service. It also shows in:

- Item 24 (Character of Service): Entry Level Status
- Item 26 (Separation Code): JFC
- Item 27 (Reenlistment Code): RE-2
- Item 28 (Narrative Reason for Separation): Erroneous Entry-Reenlistment or Extension Pregnancy

11. There is no evidence the applicant applied to the Army Discharge Review Board for review of her discharge within the Board's 15-year statute of limitations.

12. By regulation (AR 635-200) sets forth the basic authority for the separation of enlisted personnel. Paragraph 7-15 provides a member may be separated on the basis of an erroneous enlistment, induction, or extension of enlistment per guidance in chapter 1, Section II. An enlistment, induction, or extension of enlistment is erroneous if (1) It would not have occurred had the relevant facts been known by the Government or had appropriate directives been followed.

13. In reaching its determination, the Board can consider the applicant's petition and her service record in accordance with the published equity, injustice, or clemency determination guidance.

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 erroneous entry. 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
■	■	■	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.

3/25/2025

X

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 (AR) 635-200 (Personnel Separations – Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel. Paragraph 7-15 states a member may be separated on the basis of an erroneous enlistment, induction, or extension of enlistment per guidance in chapter 1, Section II. For the purpose of this chapter, the term enlistment means both an original enlistment and any subsequent enlistments (reenlistments). An enlistment, induction, or extension of enlistment is erroneous if (1) It would not have occurred had the relevant facts been known by the Government or had appropriate directives been followed. (2) It was not the result of fraudulent conduct on the part of the member. (3) The defect is unchanged in material respects. Soldiers separated under this chapter may be awarded an honorable discharge, or a general discharge, or a discharge under other than honorable conditions. If in an entry-level status the characterization of service will be uncharacterized.

a. Paragraph 3-7a (1) 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. Only the honorable characterization may be awarded a member upon completion of his or her period of enlistment or period for which called or ordered to active duty or active duty for training, or where required under specific reasons for separation, unless an entry level status separation (uncharacterized) is warranted.

b. Paragraph 3-7b (1) 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. Paragraph 3-7b (2) states a characterization of under honorable conditions may be issued only when the reason for the member's separation specifically allows such characterization. It will not be issued to members upon separation at expiration of their period of enlistment, military service obligation, or period for which called or ordered to active duty.

d. Entry level status is defined as the first 180 days of continuous active duty or the first 180 days of continuous active service after a service break of more than 92 days of

active service. For the purposes of characterization of service, the Soldier's status is determined by the date of notification as to the initiation of separation proceedings.

e. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means that the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise. The applicant may want to so inform any potential employers.

3. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards 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. 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, BCM/NRs 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. 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//