

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 January 2025

DOCKET NUMBER: AR20240007521

APPLICANT REQUESTS: in effect, correction to his DD Form 214, Certificate of Release or Discharge from Active Duty, to show:

- his narrative reason for separation was due to a disability
- the characterization of his service was honorable

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

- DD Form 293, Application for the Review of Discharge
- DA Form 4707, Entrance Physical Standards Board (EPSBD) Proceedings
- Orders 272-1300
- Medical records

FACTS:

1. The applicant states, in effect, that he was discharged for medical conditions he sustained while in Basic Combat Training (BCT).
2. On 22 May 2023, the applicant completed a DD Form 2807-2, Accessions Medical History Report, wherein he indicated that he did not have any medical or behavioral health conditions.
3. On 1 August 2023, the applicant enlisted in the Regular Army, and he was assigned to Fort Jackson, South Carolina for BCT.
4. On 20 September 2023, the applicant appeared before a EPSBM for bilateral knee pain that was preventing him from meeting rigorous Army basic training standards. The DA Form 4704 shows his condition was determined to have existed prior to service (EPTS). The applicant was diagnosed with Osgood-Schlatter's disease of bilateral knees. An x-ray also indicated potential bone stress injury in the proximal tibia on the left. The examining medical physician recommended that the applicant be separated from the U.S. Army for failure to meet medical procurement standards in accordance

with Department of Defense Instructions 6130.03, Chapter 6.18.d(13). The medical authority determined that retention was not practical and approved the board's findings on 21 September 2023.

5. On 23 September 2023, the applicant was notified by his commander that he was being recommended for discharge in accordance with of Army Regulation (AR) 635-200, Personnel Separations-Active Duty Enlisted Administration Separation, chapter 5-10, based upon his diagnosis of a behavioral health condition that EPTS. The applicant agreed with the key points of his counseling session.

6. The previous DA Form 4707, further shows:

a. On 25 September 2023, the applicant acknowledged that he had been informed of the medical findings and he concurred with these findings. He requested to be discharged from the U.S. Army without delay.

b. On 27 September 2023, the Discharge Authority directed the applicant be discharged from the Army.

7. His DD Form 214, shows he was discharged on 4 October 2023 under the provisions of AR 635-200, for failing to meet medical and physical procurement standards. He completed 2 months and 4 days of net service. His service was uncharacterized.

8. The Board should consider the applicant's overall record and provided statement in accordance with the published equity, injustice, or clemency determination guidance.

9. By regulation, 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 entry on active duty may be separated. Such conditions must be discovered during the first six months of active duty.

10. 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 has applied to the ADRB requesting an upgrade of his 4 October 2023 uncharacterized discharge. He states: “[Applicant] was discharged for medical issues that occurred while in basic training.”

c. The Record of Proceedings outlines the applicant’s military service and the circumstances of the case. The applicant’s DD 214 shows he entered the regular Army on 1 August 2023 and received an uncharacterized discharged on 4 October 2023 under the separation authority provided by paragraph 5-10 of AR 635-200, Active Duty Enlisted Administrative Separations (28 June 2021): Separation of personnel who did not meet procurement medical fitness standards.

d. Paragraph 5-10a of AR 635-200:

“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 entry on active duty or ADT [active duty for training] for IET [initial entry training], may be separated. Such conditions must be discovered during the first 6 months of active duty. Such findings will result in an entrance physical standards board. This board, which must be convened within the Soldier’s first 6 months of active duty, takes the place of the notification procedure required for separation under this chapter (see para 2 – 2).”

e. The EMR shows the applicant was first seen for knee pain on 15 September 2023 at which time he stated he wanted out of the Army:

“He wants out of the Army. He states bilateral knee and leg pain past few weeks. He is not started basic training at this time. He is currently at Fort Jackson in the ASVAB [Armed Services Vocational Aptitude Battery] program.

f. Subsequent evaluation revealed preexisting bilateral Osgood-Schlatter disease. This condition from the National Library of Medicine Website:

“Osgood Schlatter disease, also known as osteochondrosis, tibial tubercle apophysitis, or traction apophysitis of the tibial tubercle, is a common cause of anterior knee pain in the skeletally immature athletic population. Clinical presentation classically associates atraumatic, insidious onset of anterior knee pain, with tenderness at the patellar tendon insertion site at the tibial tuberosity.

The patellar tendon inserts at the tibial tubercle and consists of cartilaginous tissue. This is followed by ossification of the tibial tubercle at ages 10-12 in girls and at ages

12-14 in boys. It is during this stage of bone maturation when Osgood Schlatter disease develops. The prevailing theory is that there is repeated traction over the tubercle leading to microvascular tears, fractures, and inflammation; which then presents as swelling, pain, and tenderness.”

[REDACTED]

g. The applicant was referred to an entrance physical standards boards (EPSBD) IAW paragraph 5-10a of AR 635-40 for this condition.

h. These boards are convened IAW paragraph 7-12 of AR 40-400, Patient Administration. This process is for enlisted Soldiers who within their first 6 months of active service are found to have a preexisting condition which does not meet the enlistment standard in chapter 2 of AR 40-501, Standards of Medical Fitness, but does meet the chapter 3 retention standard of the same regulation. The fourth criterion for this process is that the preexisting condition was not permanently service aggravated.

i. From the Entrance Physical Standards Board (EPSBD) Proceedings (DA Form 4707) dated 20 September 2023:

“HISTORY OF EPTS [Existed Prior To Service] CONDITION: He reports bilateral knee pain that he states is preventing him from meeting rigorous Army basic training standards. Medical evaluation determined that he has Osgood-Schlatter’s.

PHYSICAL FINDINGS: General: Patient is alert, oriented and in no acute distress; Vital signs reviewed; Gait is normal.

LAB AND X-RAY RESULTS: X-ray confirms Osgood-Schlatter deformities: X-ray also indicates potential bone stress injury in the proximal tibia on the left. Patient is nontender at this site. I staffed case with physical therapy and Dr. [REDACTED] reviewed x-rays and agrees no definitive bone stress injury or stress fracture identified.

DIAGNOSIS: 1. Osgood-Schlatter disease of bilateral knees

RECOMMENDATIONS: It is recommended that this Soldier be separated from the US Army for failure to meet medical procurement standards IAW DODI 6130.03, Chapter 6.18.d(13)

j. Paragraph 6.18.d(13) of DODI 6130.03, Medical Standards For Military Service: Appointment, Enlistment, or Induction, states a cause for rejection for enlistment is:

“Symptomatic osteochondritis of the tibial tuberosity (Osgood-Schlatter Disease) within the previous 12 months.”

k. The board determined that his condition had existed prior to service, had not been permanently aggravated by her brief service, and failed the enlistment standards in DODI 6130.03. The applicant concurred with the Board's findings and recommendation on 25 September 2023 by selecting the elections box “I concur with these proceedings and request to be discharged from the US Army without delay.”

l. 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. Through no fault of his own, he simply had a medical condition which was, unfortunately, not within enlistment standards.

m. It is the opinion of the Agency Medical Advisor neither an upgrade of his discharge nor a referral of her case to the DES is warranted.

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 relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendation outlined in the medical review, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's characterization of service and/or narrative reason for separation.

BOARD VOTE:

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

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. Army Regulation (AR) 635-200, Personnel Separations-Active Duty Enlisted Administrative Separations, 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.

c. The service of Soldiers in entry-level status is normally described as uncharacterized. For Regular Army Soldiers, entry-level status is the first 180 days of continuous AD or the first 180 days of continuous active duty following a break of more than 92 days of active military service.

d. Chapter 5-10 states 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 entry on active duty or ADT for IET, may be separated. Such conditions must be discovered during the first six months of active duty. Such findings will result in an entrance physical standards board. This board,

which must be convened within the Soldier's first 6 months of active duty, takes the place of the notification procedure required for separation under this chapter.

2. Title 38, U.S. Code, section 1110, General - Basic Entitlement: For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

3. Title 38, U.S. Code, section 1131, Peacetime Disability Compensation - Basic Entitlement: For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during other than a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

4. The Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records on 25 July 2018, regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. Boards for Correction of Military/Naval Records may grant clemency regardless of the court-martial forum. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds.

a. 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, Boards 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.

b. 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.

5. Title 10, U.S. Code, section 1556 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.

6. 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. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//