

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2025

DOCKET NUMBER: AR20240008319

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 12 April 2005, by changing his uncharacterized service to honorable.

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 12 April 2005

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 he requests an upgrade to his discharge in order to be able to receive veterans' benefits.
3. The applicant enlisted in the Regular Army on 22 February 2005.
4. A DA Form 4707 (Entrance Physical Standards Board (EPSBD) Proceedings), dated 4 April 2005 shows his chief complaint as right knee pain.
 - a. He went to the medical clinic with right knee pain. He has a prior history of right knee pain and was previously discharged from the Army by reason of existed prior to service in 2003. He revealed this at his Military Entrance Processing Station physical. He did receive a waiver. He started feeling right knee pain approximately three weeks into training. He had x-rays performed and was consulted to physical therapy. He is unable to train with this condition.

b. The EPSBD assessed him right knee pain and recommended he be discharged in accordance with Army Regulation 40-501 (Standards of Medical Fitness), paragraph 2-10d(1) as he does not meet fitness standards for enlistment.

c. He acknowledged the EPSBD findings on 6 April 2005, and further acknowledged that he had been advised that legal counsel from an Army attorney was available to him or he could consult civilian counsel at his own expense. He could request discharge from the Army without delay or request retention on active duty. He concurred with the proceedings and requested discharge from the Army without delay.

5. His commander recommended his separation from service on the same date. The separation authority approved the recommendation on 7 August 2005 and directed his discharge from the Army.

6. The applicant was discharged on 12 April 2005, under the provisions of Army Regulation 635-200, paragraph 5-11, by reason of failure to meet procurement medical fitness standards. His DD Form 214 shows his service was uncharacterized, with a separation code of "JFW", and he was credited with completing 1 month and 21 days of net active service. He did not complete initial entry training and was not awarded a military occupational specialty.

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 determined the applicant enlisted in the Regular Army on 22 February 2005 and was discharged on 12 April 2005 under the provisions of Army Regulation 635-200, paragraph 5-11, due to failure to meet procurement medical fitness standards. His DD Form 214 appropriately reflects an uncharacterized entry-level separation, consistent with regulatory guidance.

2. The Board noted the applicant received a waiver at the time of enlistment, the Entrance Physical Standards Board (EPSBD) determined that he did not meet the medical fitness standards for continued service. Evidence shows the applicant concurred with the EPSBD findings and requested discharge without delay. He was separated prior to completing initial entry training and was not awarded a military occupational specialty. In accordance with Army regulations, service members separated under these circumstances within the first 180 days of service receive an uncharacterized discharge. This type of separation is not considered negative and is

intended to reflect the limited duration and nature of the service. As the applicant's discharge was processed correctly and in accordance with applicable policy, the Board determined that there is no basis for changing the characterization of service to honorable. Therefore, the request is denied.

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.

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//