

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 April 2025

DOCKET NUMBER: AR20240008573

APPLICANT REQUESTS: correction of his Reentry (RE) Code on his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 29 June 2009

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, when he was discharged, he was placed on the Temporary Disability Retired List (TDRL). He was reexamined and his status was changed to permanent disability. While on the TDRL his RE code was set as 4R. This code was not changed once his medical discharge was changed to permanent and does not reflect the nature of his discharge. The RE code should be changed to 2 or 3P. While he was in Iraq, he had been caught in a few explosions that were later determined to have compounded into traumatic brain injury (TBI). His performance started to fall and though he completed 14 months of a 15-month deployment, his unit noticed something was wrong with him. He was placed on the TDRL due to TBI and post-traumatic stress disorder (PTSD). He believes his PTSD diagnosis is unjust as it was determined, during a time he was healing from his head injury. His ability to think clearly was compromised and he believes the mental diagnosis was in error. His current RE code has caused the denial of many open security positions over the years. He believes the circumstances leading to his discharge should have ultimately ended with an RE 2 or RE 3P code. This error still effects how he is looked at as a candidate in the job market. Despite his conditions of discharge being honorable, this error seems to suggest he left the military on bad terms. He was not present to defend himself at the time of the Physical Review Board changing his TDRL status to a permanent disability status.

3. The applicant's service record shows he enlisted in the Regular Army and entered active duty on 28 September 2005.
4. On 31 March 2009, he received a Physical Evaluation Board (PEB) which shows he had PTSD and was placed on the TDRL with a rating of 50 percent and reexamination during December 2009. The applicant concurred with the PEB findings and waived a formal hearing of his case.
5. On 29 June 2009, he was honorably discharged for disability, temporary with an RE code of 4R. He had service in Iraq from 10 February 2007 through 11 April 2008.
6. On 12 March 2013, the PEB reevaluated him and found he had PTSD with a rating of 50 percent and that he be permanently retired due to disability. He was removed from the TDRL and placed on the retired list on 29 March 2013. His discharge Order does not list any RE Code.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board determined that the applicant's DD Form 214 was correct at the time of his discharge. The applicant's RE code was accurate when he was discharged due to being placed on the TDRL. Therefore, the Board found there was no error or injustice and voted to deny relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XX	XX	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 635-5 (Separation Documents), in effect at the time, prescribes policy and procedural guidance relating to transition management. It states a DD Form 214 will not be prepared for personnel removed from the TDRL. Paragraph 2-4 (Completing the DD Form 214) provides detail instructions for data required for each block.

- item 26 (Separation Code): obtain correct entries from Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), which provides the corresponding separation program designator code for the regulatory authority and reason for separation
- item 27 (Reentry Code): Army Regulation 601-210 (Active and Reserve Components Enlistment Program) determines reentry eligibility and provides regulatory guidance on reentry codes
- item 28 (Narrative Reason for Separation): this is based on regulatory or other authority and can be checked against the cross reference in Army Regulation 635-5-1 (Personnel Separation - Separation Program Designator (SPD) Codes)

3. Army Regulation 635-5-1 (Personnel Separations – SPD Codes), in effect at the time, prescribes the specific authorities, reasons for separating Soldiers from active duty, and the SPD codes to be entered on DD Form 214. It shows code SFK is used for discharge temporary disability.

4. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) table 3-1 (U.S. Army reentry eligibility codes) states:

a. RE-1: Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army.

b. RE-3: Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation or disqualification is waiverable.

c. RE-4: Applies to: Person separated from last period of service with a nonwaiverable disqualification.

d. RE-4R: Applies to: A person who retired for length of service with 15 or more years active federal service.

5. Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation), in effect at the time, established the Army Physical Disability Evaluation System and set forth policies, responsibilities, and procedures that governed the evaluation for physical fitness of Soldiers who might be unfit to perform their military duties because of physical disability.

a. The TDRL was used in the nature of a "pending list." By law, Soldiers could be placed on the TDRL for a period of no more than 5 years. The Physical Evaluation Board (PEB) recommends placement on the TDRL when it determined:

- the Soldier was unfit for continued military service
- their condition(s) were considered to either be temporary or unstable in nature
- at the time of placement on the TDRL, they were eligible for a disability rating of 30 percent or more

b. Soldiers on the TDRL underwent periodic medical examinations which determined if the condition(s) had stabilized. If considered stable, a PEB would then, prior to the expiration of the 5-year time limit, make a final rating determination.

c. If the PEB found the condition was still unfitting, it then made an assessment as to an appropriate disability rating. If the rating was 30 percent or more, the Soldier could be placed on the Permanent Disability Retired List. If less than 30 percent, the Soldier could be separated with severance pay.

//NOTHING FOLLOWS//