

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 August 2025

DOCKET NUMBER: AR20240008768

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show honorable service in lieu of uncharacterized service and to change his narrative reason for separation from “entry level performance and conduct” to medical retirement.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Department of Veterans Affairs (VA) Benefits Information

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 is requesting his discharge be upgraded to honorable and that his narrative reason for separation be changed to “medical retirement.” During a field training exercise, he sustained an injury that caused an osteochondral defect, due to trauma to his knee. This required a partial knee replacement, now he has pain walking and doing everyday activities.

a. The head surgeon at West Point told him he would like to break his femurs and allow them to grow back into place in addition to the partial femoral transplant surgery required. He sought a second opinion from an orthopedic surgeon who told him he did not feel the need to break his femurs. He chose the latter as his surgeon.

b. Prior to separating from the U.S. Army, his commanding officer told him if he took a general discharge, he would be processed sooner, allowing him to receive the surgery that he desperately needed. He was also told he could have his discharge upgraded to honorable as a civilian due to the severity of his injury.

c. He recently discovered how drastically different a general discharge is from an honorable discharge. His injury will affect him the rest of his life. He believes he served honorably and to the best of his ability, and his record should reflect that.

3. The complete facts and circumstances surrounding the applicant's discharge proceedings are not available for review with this case. His Interactive Personnel Electronic Records Management System (IPERMS) record contains:

a. A DA Form 4187 (Personnel Action), dated 30 October 2017, showing the applicant was being separated in accordance with Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), Chapter 11, paragraph 3a(3), effective 19 December 2016. He did not adapt socially or emotionally to military life and requested to be released from any further military service.

b. A DD Form 214 showing he entered active duty on 17 July 2017, and he was discharged on 1 November 2017, in the rank/pay grade of private/E1. He completed 3 months and 15 days of net active service. Additionally, his DD Form 214 shows in:

- item 11 (Primary Specialty), "NONE//NOTHING FOLLOWS"
- item 24 (Character of Service), Uncharacterized
- item 25 (Separation Authority), AR 600-200, Chapter 11
- item 26 (Separation Code), "JGA"
- item 27 (Reentry Code), "1"
- item 28 (Narrative Reason for Separation), Entry Level Performance and Conduct

c. Orders 305-0001, Headquarters, United States Army Garrison West Point, West Point, NY, dated 1 November 2017, showing he was discharged from the United States Army Reserve, effective the same date.

4. The applicant provides a VA Benefits Letter, dated 13 March 2023, showing:

a. Service connection for right knee strain with patellofemoral pain syndrome and osteochondral defect of the lateral femoral condyle s/p meniscectomy, microfracture, and OATS procedure (cartilage, semilunar) (claimed as knee pain cartilage damage) was granted with an evaluation of 20 percent (%) effective 26 November 2022.

b. Service connection for right knee strain with patellofemoral pain syndrome and osteochondral defect of the lateral femoral condyle s/p meniscectomy, microfracture, and "OATS" procedure (claimed as knee pain cartilage damage) was granted with an evaluation of 10 percent effective 26 November 2022.

c. His combined rating evaluation is 30%.

5. AR 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. The SPD code of "JGA" is the appropriate code to assign Soldiers separated under the provisions of AR 635-200, chapter 11, due to entry level performance and conduct.

6. The SPD/RE Code Cross Reference Table stipulates the RE code of "3" was the right code to assign Soldiers separated with the SPD code of "JGA." However, the Board does not have the practice of making an applicant worse off; therefore, this correction will not be made, without the applicant's request.

7. 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 MHS Genesis (DoD electronic Medical), Joint Longitudinal Viewer (JLV) (a Repository of DoD and VA electronic medical record), 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).

b. The ARBA Medical Advisor made the following findings and recommendations:

c. The applicant through his counsel is applying to the ABCMR requesting "my discharge be upgraded to honorable and that my reason for separation be medical retirement. During my time in the Army, I sustained an injury that caused an osteochondral defect sustained from trauma to my knee during a field training exercise."

d. Documentations in JVL dated Showed:

- "28 July 2017, the Applicant had a "history of knee internal femoral condyle chondral lesion, successfully treated with allograft osteochondral transplant. He appears to be fully recovered. He is released without any restriction or limitations. Reconcurred a waiver without restrictions."
- 22 September 2017, "19yr old male presents today due to reinjuring his right knee while doing squats last Monday during APFT. He heard a pop. He is s/p OATS procedure in February 2016. ... he will be evaluated by USMAPS trainers this afternoon who will coordinate appointment with Ortho to be seen on Monday."

- 26 September 2017, "Presents to the clinic for evaluation and treatment of his right knee pain. The patient is currently a prep school cadet. He initially injured his knee 2 years ago playing football. He took a direct hit to his knee from another player's helmet. He was diagnosed with a fracture of the tibia/femur. He was treated by Dr. Walter Thomas in Los Angeles. In February 2016, he underwent an OATs procedure for an osteochondral defect. From this procedure, he followed a normal post operative course and returned to his normal activities. In total, he has had 3 surgeries to his right knee to include a meniscus repair, microfracture and OATS procedure. He is current a recruited track athlete. Over the past few weeks, he has noticed progressive worsening pain in his right knee. His pain worsened after a recent APFT and then again while squatting during strength training activities for track. His pain has been increasing over the past 2-3 weeks. He presents today for further evaluation and treatment options. IMPRESSION: 1. right knee osteochondral defect of the lateral femoral condyle. 2. s/p OATs procedure of right knee. PLAN: Medications: NSAIDs PRN pain, Therapy: Will continue strengthening and ROM exercises, Conservative measures: Include rest and ice, Activity modifications: I do recommend a temporary profile for lower extremity issues, ... Follow-up: Patient will obtain MRI of right knee. Continue with crutches. Will f/u with Dr. Posner after MRI to discuss further treatment options."
- 28 September 2017, "Assessment: 1. Other internal derangements of unspecified knee, 2. Pain in unspecified knee, Plan: Long discussion about this injury. 2 medical COA's: 1) treat non-op, PT, attempt FFD by USMA R-DAY JUL 2018 - very low likelihood for success, 2) treat surgically in staged fashion. 1st stage - scope, DFO, 2nd stage - OC allograft revision - moderate chance for FFD. Patient understands these 2 COAs. However, has opted to withdraw from USMAPS and return home. I advised that he obtain his radiology studies on CD and gave him a name of a renowned surgeon who specializes in OC allograft surgery in California. If he changes his mind and opts to stay at USMAPS, will discuss further."

e. Based on above information, the Applicant had a prior issue with his knee and opted to withdraw from USMAP and return home. Therefore, at the time that the Applicant withdrew from USMAP, he did not have any career terminating condition that would require this case be sent to the Disability Evaluation System.

f. None of these documents has sufficient evident to support the Applicant's claim that these issues were the cause of discharge from the service beside the self-authored letter in his supporting documentation.

g. Based on the above, there is insufficient evidence to support the Applicant's request. Therefore, from the medical standpoint, the Applicant did not have any career terminating injury while in service that would require to send this case to the Disability Evaluation System.

h. Paragraph 5-1 of AR 635-200 states:

(1) Unless the reason for separation requires a specific characterization, a soldier being separated for the convenience of the Government will be awarded a character of service of honorable, under honorable conditions or an entry level separation uncharacterized description of service if in entry level status.

(2) No soldier will be awarded a character of service of under honorable conditions under this chapter unless the soldier is notified of the specific factors in his or her service record that warrant such a characterization, using the notification procedure. Such characterization is normally inappropriate for soldiers separated under the provisions of paragraph 5-4, 5-11, 5-12, 5-15, 5-16, or paragraph 5-17.

i. Given the current documentation, it is the opinion of the Agency Medical Advisor that an upgrade of her discharge is not warranted.

j. Title 38, United States Code, Sections 1110 and 1131, permit the VA to award compensation for disabilities which were incurred in or aggravated by active military service. However, an award of a VA rating does not establish an error or injustice on the part of the Army.

k. Title 38, CFR, Part IV is the VA's schedule for rating disabilities. The VA awards disability ratings to veterans for service-connected conditions, including those conditions detected after discharge. As a result, the VA, operating under different policies, may award a disability rating where the Army did not find the member to be unfit to perform his duties. Unlike the Army, the VA can evaluate a veteran throughout his or her lifetime, adjusting the percentage of disability based upon that agency's examinations and findings.

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

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 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. Upon review of the applicant's petition, available military records, and the medical review, the Board concurred with the advising official. Based on this, the Board determined the applicant's characterization of service and narrative reason at the time of separation was appropriate and a referral to the Disability Evaluation System is not warranted.

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. AR 635-5-1 (SPD Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. The SPD code of "JGA" is the appropriate codes to assign Soldiers separated under the provisions of AR 635-200, chapter 11, due to entry level performance and conduct.

3. The SPD/RE Code Cross Reference Table stipulates the RE code of "3" was the right code to assign Soldiers separated with the SPD code of "JGA."

4. AR 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the RA and the United States Army Reserve. Table 3-1 includes a list of the RA RE codes:

a. RE-1 applies to Soldiers completing their term of active service who are considered qualified to reenter the U.S. Army. They are qualified for enlistment if all other criteria are met.

b. RE-3 applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. They are ineligible unless a waiver is granted.

5. AR 635-200 (Active Duty Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted personnel.

a. Chapter 11 of the regulation in effect at the time provided for the separation of personnel due to unsatisfactory performance or conduct, or both, while in an entry-level status. This provision applied to individuals who had demonstrated they were not qualified for retention because they:

- could not adapt socially or emotionally to military life
- lacked the aptitude, ability, motivation, or self-discipline for military service
- demonstrated characteristics not compatible with satisfactory continued service

b. The separation policy applied to Soldiers who could not meet the minimum standards prescribed for successful completion of training because of lack of aptitude,

ability, motivation, or self-discipline. Separation under this chapter applied to Soldiers who were in an entry-level status (i.e., had completed no more than 180 days of continuous active duty before the date of the initiation of separation action). An uncharacterized description of service was required for separation under this chapter.

c. It states in pertinent part that an uncharacterized separation is an entry-level separation. A separation will be described as an entry-level separation if processing is initiated while a member is in entry-level status, except when characterization under other than honorable condition is authorized under the reason for separation and is warranted by the circumstances of the case or when The Secretary of the Army, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. For Regular Army Soldiers, entry-level status is the first 180 days of continuous active duty or the first 180 days of continuous active duty following a break in service of more than 92 days of active military service.

d. 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.

e. 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. A characterization of under honorable conditions may be issued only when the reason for the Soldier's separation specifically allows such characterization.

f. Uncharacterized separations are deemed entry-level status, commanders initiated the action while the Soldier was within the first 180 days of continuous active duty. Soldiers separated in an entry-level status were issued an uncharacterized character of service. On a case-by-case basis, and when clearly warranted due to unusual circumstances involving personal conduct or duty performance, the Secretary of the Army could grant a Soldier an honorable character of service.

6. Title 10, U.S. Code, chapter 61, provides the Secretaries of the Military Departments with authority to retire or discharge a member if they find the member unfit to perform military duties because of physical disability. The U.S. Army Physical Disability Agency, under the operational control of the Commander, U.S. Army Human Resources Command (HRC), is responsible for administering the PDES and executes Secretary of the Army decision-making authority as directed by Congress in chapter 61 and in accordance with Department of Defense Directive 1332.18 and Army Regulation 635-40.

a. Soldiers are referred to the PDES when they no longer meet medical retention standards in accordance with Army Regulation 40-501 (Standards of Medical Fitness), chapter 3, as evidenced in a medical evaluation board, when they receive a permanent medical profile, P3 or P4, and are referred by an MOS Medical Retention Board, when they are command-referred for a fitness-for-duty medical examination, and when they are referred by the Commander, Human Resources Command.

b. The PDES assessment process involves two distinct stages: the MEB and the PEB. The purpose of the MEB is to determine whether the service member's injury or illness is severe enough to compromise his/her ability to return to full duty based on the job specialty designation of the branch of service. A PEB is an administrative body possessing the authority to determine whether or not a service member is fit for duty. A designation of "unfit for duty" is required before an individual can be separated from the military because of an injury or medical condition. Service members who are determined to be unfit for duty due to disability are either separated from the military or are permanently retired, depending on the severity of the disability and length of military service. Individuals who are "separated" receive a one-time severance payment, while veterans who retire based upon disability receive monthly military retirement payments and have access to all other benefits afforded to military retirees.

c. The mere presence of a medical impairment does not in and of itself justify a finding of unfitness. In each case, it is necessary to compare the nature and degree of physical disability present with the requirements of the duties the Soldier may reasonably be expected to perform because of their office, grade, rank, or rating. Reasonable performance of the preponderance of duties will invariably result in a finding of fitness for continued duty. A Soldier is physically unfit when a medical impairment prevents reasonable performance of the duties required of the Soldier's office, grade, rank, or rating.

7. AR 40-501 (Standards of Medical Fitness) provides that for an individual to be found unfit by reason of physical disability, he or she must be unable to perform the duties of his or her office, grade, rank or rating. Performance of duty despite impairment would be considered presumptive evidence of physical fitness.

8. AR 635-40 (Physical Evaluation for Retention, Retirement, or Separation) establishes the Physical Disability Evaluation System (PDES) and sets forth policies, responsibilities, and procedures that apply in determining whether a Soldier is unfit because of physical disability to reasonably perform the duties of their office, grade, rank, or rating. It provides that an MEB is convened to document a Soldier's medical status and duty limitations insofar as duty is affected by the Soldier's status. A decision is made as to the Soldier's medical qualifications for retention based on the criteria in Army Regulation 40-501. Disability compensation is not an entitlement acquired by reason of service-incurred illness or injury; rather, it is provided to Soldiers whose

service is interrupted and who can no longer continue to reasonably perform because of a physical disability incurred or aggravated in service.

a. Paragraph 2-1 provides that the mere presence of impairment does not of itself justify a finding of unfitness because of physical disability. In each case, it is necessary to compare the nature and degree of physical disability present with the requirements of the duties the member reasonably may be expected to perform because of their office, rank, grade, or rating. The Army must find that a service member is physically unfit to reasonably perform their duties and assign an appropriate disability rating before they can be medically retired or separated.

b. Paragraph 2-2b(1) provides that when a member is being processed for separation for reasons other than physical disability (e.g., retirement, resignation, reduction in force, relief from active duty, administrative separation, discharge, etc.), his or her continued performance of duty (until he or she is referred to the PDES for evaluation for separation for reasons indicated above) creates a presumption that the member is fit for duty. Except for a member who was previously found unfit and retained in a limited assignment duty status in accordance with chapter 6 of this regulation, such a member should not be referred to the PDES unless his or her physical defects raise substantial doubt that he or she is fit to continue to perform the duties of his or her office, grade, rank, or rating.

c. Paragraph 2-2b(2) provides that when a member is being processed for separation for reasons other than physical disability, the presumption of fitness may be overcome if the evidence establishes that the member, in fact, was physically unable to adequately perform the duties of his or her office, grade, rank, or rating even though he or she was improperly retained in that office, grade, rank, or rating for a period of time and/or acute, grave illness or injury or other deterioration of physical condition that occurred immediately prior to or coincidentally with the member's separation for reasons other than physical disability rendered him or her unfit for further duty.

d. Paragraph 4-10 provides that MEBs are convened to document a Soldier's medical status and duty limitations insofar as duty is affected by the Soldier's status. A decision is made as to the Soldier's medical qualification for retention based on criteria in Army Regulation 40-501, chapter 3. If the MEB determines the Soldier does not meet retention standards, the board will recommend referral of the Soldier to a PEB.

e. Paragraph 4-12 provides that each case is first considered by an informal PEB. Informal procedures reduce the overall time required to process a case through the disability evaluation system. An informal board must ensure that each case considered is complete and correct. All evidence in the case file must be closely examined and additional evidence obtained, if required.

9. Title 10, U.S. Code, section 1201, provides for the physical disability retirement of a member who has at least 20 years of service or a disability rating of at least 30 percent. Title 10 U.S. Code, section 1203, provides for the physical disability separation of a member who has less than 20 years of service and a disability rating of less than 30 percent.

10. Title 38, U.S. Code, sections 1110 and 1131, permits the VA to award compensation for medical conditions incurred in or aggravated by active military service. The VA, however, is not empowered by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual may have a medical condition that is not considered medically unfitting for military service at the time of processing for separation, discharge, or retirement, but that same condition may be sufficient to qualify the individual for VA benefits based on an evaluation by that agency.

11. Section 1556 of Title 10, United States Code, 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.

//NOTHING FOLLOWS//