

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 April 2025

DOCKET NUMBER: AR20240008903

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her uncharacterized service as honorable.

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 diagnosed with manic bipolar disorder while serving in the military. Prior to joining the Army, she did not suffer with any mental disabilities. She never received any disciplinary action. She gave her all each and every day. The applicant notes "other mental health" as a condition related to her request.
3. Prior to enlistment, the applicant underwent a medical examination on 17 November 2003. The examining provider determined she was medically cleared for enlistment. On that same date, the applicant enlisted in the U.S. Army Reserve (USAR).
4. The applicant was ordered to initial active duty for training (IADT) on or about 2 June 2004. She was subsequently released from IADT, on or about 12 August 2004, as a non-graduate from basic combat training due to not completing the Army Physical Fitness Test.
5. The applicant's service record is void of documentation showing her discharge from the USAR. However, the applicant enlisted in the Regular Army on 30 September 2005.
6. The complete facts and circumstances surrounding the applicant's discharge processing are not available for review. Her DD Form 214 shows she was discharged on 6 February 2006, under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-11, by reason of failed medical/physical procurement standards. Her service was uncharacterized. She

completed 4 months and 7 days of net active service this period. She was not awarded a military occupational specialty.

7. The Board should consider the applicant's argument and/or evidence in accordance with the published equity, injustice, or clemency determination guidance.

8. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting to change her uncharacterized discharge to honorable. She contends that she experienced mental health conditions, which are related to her request. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following: 1) The applicant enlisted in the U.S. Army Reserve on 30 September 2005, following a previous unsuccessful completion of basic combat training as a part of the USAR on 12 August 2004; 2) The applicant was recommended for separation from the U.S. Army for failure to meet medical procurement standards, and her conditions existed prior to service and were not aggravated by military service; 3) On 6 February 2006, the applicant was discharged by Chapter 5-11 for failed medical/physical procurement standards. Her service was determined to be uncharacterized. She completed 4 months and 7 days of net active service this period.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents and the applicant's available military service and medical records. The VA's Joint Legacy Viewer (JLV) was also examined. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. The applicant asserts she experienced other mental health conditions warranting a change in her discharge status. The applicant reported that she was hospitalized for bipolar disorder while on winter break (between December 2005 and January 2006) from basic training. Upon her return to training, she was seen and managed by mental health services beginning on 19 January 2006 until her release from active service with her final visit occurring on 01 February 2006.

d. A review of JLV noted that she connected with VA mental and physical health care beginning on 13 July 2007 onward for treatment of bipolar I disorder and various physical difficulties. The applicant is currently 80% VA service-connected with 70% service-connected for bipolar disorder.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence at this time the applicant was experiencing a mental health condition or experience to warrant a change to her uncharacterized discharge status.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts mental health conditions are related to her request to change her uncharacterized discharge. There is sufficient evidence the applicant was appropriately identified as experiencing bipolar disorder during her active-duty training.

(2) Did the condition exist or experience occur during military service? Yes, the applicant reported being hospitalized while on break from training for the treatment of bipolar disorder. Following her enlistment, she continued treatment with the VA for bipolar I disorder and is currently 80% VA service-connected for bipolar disorder.

(3) Does the condition or experience actually excuse or mitigate the misconduct? No, there is sufficient evidence the applicant was experiencing difficulty adapting to military training due to a pre-existing mental health condition during her initial military training. The applicant was appropriately identified, evaluated, and administratively separated, which resulted in an uncharacterized discharge. Therefore, there is insufficient evidence at this time to change her characterization of service. However, the applicant's contention a mental health condition or experience is related to her request for mitigation, and this is sufficient for the board's consideration per Liberal Consideration.

#### 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, regulation, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The evidence shows the applicant was discharged from active duty due to an entry level separation, with service listed as uncharacterized. The applicant did not complete training and was released from active duty. The Board determined her DD Form 214 properly shows the appropriate characterization of service as uncharacterized. The Board found no error or injustice in her separation processing. In addition, the Board concurred with the medical review based on the applicant's claim of behavioral health issues and based on liberal consideration:

(a) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts mental health conditions are related to her request to change her uncharacterized discharge. There is sufficient evidence the applicant was appropriately identified as experiencing bipolar disorder during her active-duty training.

(b) Did the condition exist or experience occur during military service? Yes, the applicant reported being hospitalized while on break from training for the treatment of bipolar disorder. Following her enlistment, she continued treatment with the VA for bipolar I disorder and is currently 80% VA service-connected for bipolar disorder.

(c) Does the condition or experience actually excuse or mitigate the misconduct? No, there is sufficient evidence the applicant was experiencing difficulty adapting to military training due to a pre-existing mental health condition during her initial military training. The applicant was appropriately identified, evaluated, and administratively separated, which resulted in an uncharacterized discharge. Therefore, there is insufficient evidence at this time to change her characterization of service.

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, the Board determined 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.

5/5/2025

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 (USC), 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 Army Board for Correction of Military Records (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. Title 10, USC, 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 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, and reviews to ABCMR applicants prior to adjudication.

3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that 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. It is not an investigative body.

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

a. Chapter 3 provides that a separation will be described as entry level with uncharacterized service if the Soldier has less than 180 days of continuous active duty service at the time separation action is initiated.

b. 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.

c. Paragraph 3-9, in effect at the time of the applicant's separation, provided that a separation would be described as entry level with uncharacterized service if processing were initiated while a Soldier was in an entry-level status, except when:

(1) a discharge under other than honorable conditions was authorized, due to 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.

d. Paragraph 5-11 provides that Soldiers who are not medically qualified under procurement medical fitness standards when accepted for enlistment or who become medically disqualified under these standards prior to entrance on active duty, active duty for training, or initial entry training will 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. The character of service for Soldiers separated under this provision would normally be honorable but would be uncharacterized if the Soldier were in an entry-level status.

5. On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to Discharge Review Boards (DRBs) and Boards for Correction of Military/Naval Records (BCM/NRs) when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including post-traumatic stress disorder; traumatic brain injury; sexual assault; or sexual harassment. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the sexual assault or sexual harassment was unreported, or the mental health condition was not diagnosed until years later. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

6. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs 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.

//NOTHING FOLLOWS//