

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 April 2025

DOCKET NUMBER: AR20240009241

APPLICANT REQUESTS: reconsideration of her earlier request for upgrade of her uncharacterized service to honorable.

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

- Request for reconsideration, 10 June 2024
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 28 April 1989
- letter, National Personnel Records Center (NPRC), 14 June 2007
- letter, Department of Veterans Affairs (VA), 6 June 2011

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220010036 on 9 May 2023.

2. The applicant requests reconsideration of her case based on new evidence from the VA showing her discharge was honorable.

3. The applicant provides a letter from the VA showing the characterization of her service is considered honorable for VA purposes.

4. A review of the applicant's service records show:

- a. On 5 October 1988, she enlisted in the Regular Army for 4 years.
- b. On 3 March 1989, she was assigned to the 101st Financial Support Unit, Fort Campbell, following completion of Advanced Individual Training.
- c. On 5 April 1989, her unit commander notified her that he was initiating action to separate her under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), by reason of entry level performance and conduct. The reason for his recommendation was based upon her statement reflecting her

inability to perform duties, to walk and run, stand for long periods, as a result of pain from an accident in basic training. He advised her of her rights.

d. On an unspecified date, she provided a typewritten unsigned statement outlining her conditions and her inability to perform regular duties. She noted her desire to be released from active duty to stay off her feet and heal since her condition had been prolonged for 3 months. As long as physical demands were made on her, her foot would not heal. She further noted her mother's mental health condition required constant supervision and her presence at home to help take care of her mother and her young 12 year old brother.

e. On 10 April 1989, after consulting with counsel, she acknowledged and elected her rights, and she understood the effect of waiving those rights. She understood the separation authority could issue her an entry level, uncharacterized character of service; she elected not to submit statements in her own behalf, and she noted she already had a separation examination which is not available for review.

f. On 24 April 1989, the separation authority approved her separation and directed issuance of an entry level separation with uncharacterized service.

g. On 28 April 1989, she was discharged. Her DD Form 214 reflects separation under the provisions of Army Regulation 635-200, Chapter 11-3a by reason of entry level status performance and conduct, with uncharacterized service. She completed 6 months and 24 days of net active service.

5. On 9 May 2023 and in ABCMR Docket Number AR20220010036, the Board found the evidence she presented did not demonstrate the existence of a probable error or injustice.

6. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It simply means the Soldier was not in the Army long enough for his or her character of service to be rated as honorable or otherwise.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement and record of service, the frequency and nature of the applicant's misconduct, the reason for separation. Based upon the regulatory guidance related to separations initiated within the first 180 days of military service being annotated as uncharacterized and the applicant's record showing her separation was initiated on day 183 of her military service, the Board determined the applicant was improperly separated by reason of entry level performance and conduct. As a result, the Board there was sufficient evidence to warrant an upgrade to her characterization of service and granted relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

XXX	XXX	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
			DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 28 April 1989 to show in item 24 (Character of Service): Honorable

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. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, set 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. Chapter 3 states 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. Chapter 11 provides that commanders could initiate separation action against entry-level Soldiers who demonstrated they were unqualified for retention by not adapting socially or emotionally to military life, not meeting minimum standards for the successful completion of training, and/or not responding to counseling. Soldier's service was to be uncharacterized for separations under Chapter 11.

2. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records (BCM/NR) 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//