

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 April 2025

DOCKET NUMBER: AR20240009279

APPLICANT REQUESTS: her uncharacterized service be changed to honorable.

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

- DD Form 149 (Application for Correction of Military Record)
- 2-page brief in support of the application
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Memorandum from the applicant's immediate commander which recommended her separation under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), Chapter 5-17.
- Report of Mental Status Evaluation dated 9 December 2005, that shows the applicant underwent a mental status evaluation
- Standard Form 600 (Chronological Record of Medical Care) dated 7 December 2005, provides notes from the Staff Psychologist
- DA Form 5181 (Screening Note of Acute Medical Care) dated 13 June 2005, that shows the applicant received treatment for knee pain
- DD Form 2807-2 (Medical Prescreen of Medical History Report), provides medical data at the time of the applicant's enlistment (page 1)

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 separated due to an injury. However her summary was incorrect, and she does not know if this affected her discharge.
3. Counsel states in a 2-page brief in support of the application, which is available for the Board's review in supporting documents:
 - a. The applicant served in the Army from 26 May to 21 December 2005, and was given an uncharacterized discharge under the provisions of Army Regulation 635-200,

Chapter 5-17. An uncharacterized discharge was given to Soldiers who separate from the military before completing 180 days of service.

b. Counsel argues the applicant's uncharacterized discharge should be upgraded to honorable. Counsel elaborates the following areas:

- her DD Form 214 dates of service, reflects she completed 210 days of service
- she was not given an adequate opportunity for rehabilitation
- received inadequate counseling prior to her separation
- she was assessed as having an adjustment disorder
- she received a 30 percent rating for disability from the Veterans Affairs

4. A review of the applicant's available service record reflects the following:

a. She enlisted in the Regular Army on 26 May 2005.

b. A Standard Form 600 dated 7 December 2005, in which the Staff Psychologist notes the applicant was seen at the Life Skills Support Center for a 50 minute follow-up session for issues related to depressed mood.

c. On 9 December 2005, the applicant underwent a mental status evaluation. She had the mental capacity to understand and participate in the proceedings. However, she was diagnosed with an Adjustment Disorder with Mixed Disturbance of Emotions and Conduct.

d. The applicant's commander notified her on 13 December 2005, that he was initiating actions to separate her under the provisions of Army Regulation 635-200 (Personnel Separations – Active Duty Enlisted Administrative Separations), Chapter 5, paragraph 5-17, because of other designated physical or mental condition not amounting to disability. He noted the applicant had been diagnosed with a mental condition not amounting to disability, but had potential to impair her duty performance.

e. She acknowledged that she had been advised by counsel of the contemplated separation action, the possible effects of the discharge, and the rights available to her. She waived consideration of her case by an administrative separation board. She declined to submit a statement in her own behalf. She indicated she understood she could expect to encounter substantial prejudice in civilian life if a under honorable conditions (general) discharge was issued to her.

f. Her commander formally recommended her separation under the provisions of Army Regulation 635-200, Chapter 5, paragraph 5-17.

g. Consistent with the chain of command's recommendations, the separation authority approved her separation on 14 December 2005, with issuance of an Uncharacterized Discharge Certificate.

h. The applicant was discharged on 21 December 2005. She was credited with 6 months and 26 days of net active service this period. Her DD Form 214 contains the following entries in:

- item 24 (Character of Service) – Uncharacterized
- item 25 (Separation Authority) – AR [Army Regulation] 635-200, paragraph 5-17
- item 26 (Separation Code) – JFV
- item 28 (Narrative Reason for Separation) – condition, not a disability

5. The Board should consider the applicant's statement in accordance with the published guidance.

6. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting a change of her uncharacterized discharge to honorable. She contends her experience of mental health conditions is 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 Regular Army on 26 May 2005; 2) On 13 December 2005, the applicant's commander notified her that he was initiating actions to separate her under Chapter 5-17. He noted the applicant had been diagnosed with a mental condition not amounting to disability, which had potential to impair her duty performance; 3) The applicant was discharged on 21 December 2005, Chapter 5-17, (due to a condition, not a disability) with an uncharacterized character of service. She completed 6 months and 26 days of net active service.

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) and hardcopy military medical documentation provided by the applicant were also examined.

c. There is evidence the applicant was seen by behavioral health services while in initial military training. She was first seen at behavioral health services on 22 November 2005 and was diagnosed with an Adjustment Disorder with Depressed mood. The applicant provided hardcopy military documentation, dated 07 December 2005 consistent with her electronic military medical record. On 09 December 2005, the applicant was provided a Mental Status Exam, where she again was diagnosed with an

Adjustment Disorder with Depressed Mood and cleared from a psychiatric perspective to participate in proceedings deemed appropriate by Command.

d. A review of JLV provided insufficient evidence the applicant has been diagnosed with a service-connected mental health condition by the VA. The applicant does not currently receive any service-connected disability for a mental health condition.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence to support the applicant had a condition or experience that mitigates her discharge.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant asserts she experienced mental health conditions that mitigates her discharge. The applicant had been diagnosed with an Adjustment Disorder with Depressed mood during her initial military training.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts she experienced mental health conditions that mitigates her discharge. The applicant had been diagnosed with an Adjustment Disorder with Depressed mood during her initial training.

(3) Does the condition experience actually excuse or mitigate the discharge? No. There is sufficient evidence the applicant was identified, evaluated, and appropriately administratively separated for experiencing difficulty adjusting to the military early in her training. Thus, no mitigating mental condition or experience was identified beyond self-report. Yet, the applicant contends she was experiencing a mental health condition that mitigates her discharge, and per Liberal Consideration her contention alone is sufficient for the board's consideration.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

2. The pertinent regulatory guidance provides 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. 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.

3. The applicant enlisted in the regular Army on 26 May 2005 and on 22 November 2005, 5 months and 26 days later, she was diagnosed with an Adjustment Disorder with Depressed mood. He condition of adjustment disorder with depressed mood was identified within the first 6 month (180) of her service and she appropriately received an uncharacterized character of service because she was in an entry level status when the condition was identified.

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.

5/6/2025

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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. Title 10, U.S. Code, Section 1556, requires the Secretary of the Army to ensure that an applicant seeking corrective action by 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.
3. Army Regulation 635-200 (Personnel Separations – Active Duty Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:
 - a. 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.
 - b. Paragraph 5-1 provides: 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 uncharacterized description of service if in entry-level status. No Soldier will be awarded a character of service under honorable conditions under this chapter unless the Soldier is notified of the specific factors in his/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 5-17.
 - c. 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. 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.

d. Paragraph 5-17 (other designated physical or mental conditions) established policy and prescribed procedures for separating members on the basis of other physical or mental conditions not amounting to disability and excluding conditions appropriate for separation processing under paragraph 5-11 or 5-13 that potentially interfere with assignment to or performance of duty.

e. 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.

4. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the separation codes to be entered on the DD Form 214. At the time, this regulation prescribed the separation code "JFV" is the appropriate code to assign Soldiers separated under the provisions of Army Regulation 635-200, for condition, not a disability.

//NOTHING FOLLOWS//