

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 May 2025

DOCKET NUMBER: AR20240009347

APPLICANT REQUESTS: correction of her uncharacterized discharge from the U.S. Army Reserve (USAR) to show an honorable characterization of service.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 30 October 1991
- Orders 062-033, Headquarters, 120th U.S. Army Reserve Command, Fort Jackson, SC, dated 1 December 1995
- DA Form 5016 (Chronological Statement or Retirement Points), dated 8 July 2024

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 completed six years of her USAR contract without issues or a reprimand. Her discharge should reflect the same character of service as shown on her DD Form 214. She is attempting to qualify for a Department of Veterans Affairs home loan. Her character of service is preventing her from being eligible.
3. The applicant enlisted in the USAR on 17 January 1990. She entered active duty on 19 September 1990 for the completion of initial entry training. She was honorably released from active duty and transferred to her USAR unit of assignment on 30 October 1991, upon completion of training.
4. She was issued three Letters of Instruction for Unexcused Absences from 9 March 1994 thru 11 October 1994.

5. The applicant's chain of command initiated a Bar to Reenlistment on 8 January 1995 by reason of two consecutive Army Physical Fitness Test (APFT) failures. The bar was approved on 4 February 1995.
6. A DA Form 4856 (General Counseling Form) shows she did not take and pass an APFT in the last two and one half years. The form is undated and unsigned.
7. Two DA Forms 705 (APFT Scorecards) show she was a "no show" for six APFTs and failed two APFTs from 13 September 1992 to 2 April 1995.
8. On 12 August 1995, the applicant was issued a fourth Letter of Instruction for Unexcused Absence.
9. The applicant's service record is void of the complete facts and circumstances surrounding her discharge processing. However, Orders Number 062-033, issued by Headquarters, 120th U.S. Army Reserve Command, Fort Jackson, SC, show the applicant was discharged from the USAR on 1 December 1995. Her service was uncharacterized.
10. The applicant provides a copy of her DA Form 5016 which shows she completed six years of qualifying service towards retirement in the USAR.
11. The Board should consider the applicant's argument and/or evidence in accordance with the published equity, injustice, or clemency determination guidance.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available evidence showing the applicant completed five years of USAR service at the time of separation, the Board concluded the current entry of UNCHARACTERIZED is unwarranted. The Board did note the four notifications of unexcused absences were close in nature to the separation date of the applicant; therefore, the Board recommended upgrading the applicant's characterization of service to General, Under Honorable Conditions

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by reissuing the applicant's separation order (Orders 062-033), dated 1 December 1995, showing:

- Characterization of Service: Under Honorable Conditions (General)
- Separation Authority: No change
- Separation Code: No change
- Reentry Code: No change
- Narrative Reason for Separation: No change

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to upgrading the applicant's characterization of service to 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. 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 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 states 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.
3. Army Regulation 135-178 (Army National Guard and Army Reserve – Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted Reserve Component personnel.
 - a. An honorable characterization of service is appropriate when the quality of the Soldier'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. A general (under honorable conditions) characterization of service is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.
 - c. At separation, a Soldier may receive an uncharacterized description of service when separated in an entry level status; by order of release from custody and control of the Army by reason of void enlistment; or by being dropped from the rolls of the Army and a characterization of service or other description of service is not authorized or warranted.
4. 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//