

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 June 2025

DOCKET NUMBER: AR20240009963

APPLICANT REQUESTS: upgrade of her uncharacterized discharge to honorable.

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 period ending 17 February 1995
- Veterans Affairs (VA) decision letter that shows a combined rating evaluation of 40% service connection for right and left hip strain
- Trainee Sick Slip dated 9 December 1994, that shows she received treatment for right ankle, leg injury. She was placed on a 3-day profile which prohibited running, marching and jumping

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 got injured at basic training and did not heal. She still has pain from injuries but did not claim anything until now. She was scared from the mental/verbal abuse and harassment that she received when she got injured. The Army failed her because she wanted to serve her country. She still has anxiety and was afraid of retaliation to pursue her disability. Army personnel treated her terribly with harassment.
3. On her DD Form 149, the applicant notes post-traumatic stress disorder (PTSD), other mental health, and sexual assault/harassment issues are related to her request.
4. A review of the applicant's service records reflect the following:
 - a. She enlisted in the Regular Army on 3 November 1994. She was not awarded a military occupational specialty.

b. She received formal counseling on 6 January 1995 and 3 February 1995, notifying her that she was being recommended to new start basic training (recycle) due to continuation of a medical code which prevented her from taking the fitness test.

c. Her commander notified her that he was initiating actions to separate her under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 11, for lack of motivation, on 10 February 1995. As the specific reason, the commander noted the applicant was offered the opportunity to new start; however, she refused the option.

d. 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 her rights in writing. She indicated she understood she would receive an entry level separation - uncharacterized discharge.

e. Her commander formally recommended her separation under the provisions of Army Regulation 635-200, Chapter 11. The separation authority approved the separation recommendation on 15 February 1995, and directed the applicant's discharge with issuance of an entry level separation - uncharacterized.

f. The applicant was discharged on 17 February 1995. Her DD Form 214 confirms she was discharged under the provisions of Army Regulation 635-200, Chapter 11, for entry level performance and conduct. Her service was uncharacterized. She completed 3 months and 15 days of net active service this period.

5. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of a change to her characterization of service from uncharacterized to honorable. She contends she experienced an undiagnosed mental health condition, including PTSD, and sexual assault/harassment (MST) that warrants this change.

b. 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:

- The applicant enlisted into the Regular Army on 3 November 1994.
- The applicant received formal counseling on 6 January 1994 and 3 February 1995, notifying her that she was being recommended to new start basic training (recycle) due to continuation of a medical code which prevented her from taking the fitness test.
- Her commander notified her that he was initiating actions to separate her under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 11, for lack of motivation, on 10 February 1995. As the

specific reason, the commander noted the applicant was offered the opportunity to new start; however, she refused the option.

- The applicant was discharged on 17 February 1995 and completed 3 months and 15 days of net active service.

c. Review of Available Records: The Army Review Board Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant asserts she was injured during basic training and was scared from the mental/verbal abuse and harassment that she received when she got the injury, and she still has anxiety. She indicated PTSD, MST, and "other mental health" as issues or conditions related to her request. A VA Rating Decision letter dated 20 December 2023 showed she is 40% service connected for a hip/thigh injury. The application was void of any mental health records. There was insufficient evidence that the applicant was diagnosed with PTSD or another psychiatric condition while on active service.

d. The Joint Legacy Viewer (JLV), which contains medical and mental health records for both DoD and VA, was reviewed and showed the applicant had an initial evaluation by mental health on 30 April 2024, and she reported symptoms of depression since she discharged from the military. She reported having received mental health treatment, including medications, three years prior, but she had to discontinue due to not having insurance. She endorsed MST and had one session of therapy, and documentation indicated a follow up in 30 days. However, there was no additional documentation until January 2025 when she had a primary care appointment and reported continued symptoms of depression and PTSD with another positive screener for MST. The PCP documented that the applicant was receiving mental health treatment, although there were no additional notes, and she was prescribed an antidepressant, a sleep medication, and a medication used for anxiety.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to support that the applicant had a mental health condition, including PTSD, while on active service. However, the applicant asserts a fully mitigating behavioral health experience, MST. A review of military medical and mental health records revealed no documentation of any mental health condition(s) while on active service. In 2024, the applicant was diagnosed with Depression by the VA, and she reported a history of MST. However, there is no documentation of a diagnosis of PTSD or treatment for PTSD/MST. While there is insufficient evidence, beyond self-report, that the applicant was experiencing a mental health condition on active service, the applicant asserts a fully mitigating BH experience, MST, and per Liberal Consideration her contention is sufficient for the board's consideration.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? NA; request is for change in uncharacterized discharge

(2) Did the condition exist or experience occur during military service? NA; request is for change in uncharacterized discharge

(3) Does the condition or experience actually excuse or mitigate the discharge? NA; request is for change in uncharacterized discharge

BOARD DISCUSSION:

After review of the application and all evidence, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined there is insufficient evidence to grant relief. The governing regulation provides that a separation will be described as uncharacterized, if the separation action is initiated within the first 180 days of active duty service. Based upon the available documentation and the findings outlined in the medical review, the Board found the applicant's DD Form 214 properly shows his service as uncharacterized.

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, 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
: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.

//SIGNED//
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, 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 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.
3. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) sets policies, standards, and procedures to insure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons.

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. Paragraph 3-7a provides that 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 for the separation of personnel because of unsatisfactory performance or conduct (or both) while in an entry-level status. When separation of a Soldier in an entry-level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both) as evidenced by inability, lack of reasonable effort, or failure to adapt to the military environment, he or she will normally be separated per this chapter. Service will be uncharacterized for entry-level separation under the provisions of this chapter.

d. 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.

//NOTHING FOLLOWS//