

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2025

DOCKET NUMBER: AR20240009982

APPLICANT REQUESTS: in effect, his uncharacterized service be characterized 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 he suffered a nervous breakdown during basic training and was diagnosed with a schizophrenic disorder, which was not appropriately addressed. He believes he is entitled to Veterans Affairs disability benefits for substance abuse and mental health. His condition was made worse by his time in the Army. He needs help.
3. On his DD Form 149, the applicant notes post-traumatic stress disorder (PTSD), and other mental health issues are related to his request.
4. On 6 November 2008, the applicant enlisted in the Regular Army.
5. A DA Form 4707 (Entrance Physical Standard Board (EPSBD) Proceedings) dated 13 January 2009 notes the applicant was evaluated as a psychiatric outpatient. He was referred to behavioral medicine after he expressed suicidal ideation. He had been on block leave and became anxious about returning to active duty and, in addition, experienced high levels of stress and depression related to social and interpersonal situations at home. This led to 4-day inpatient hospitalization for psychiatric reasons. He reported depressed mood, restlessness, indecisiveness and anxiety attacks as well as poor decision-making, impulsivity and suicidal ideation. He did make an attempt at suicide by jumping in front of a bus although his father restrained him and prevented him from incurring any injury. The applicant was diagnosed with depression, not otherwise specified (NOS) and anxiety, NOS.

6. The EPSBD recommended the applicant's:

- Immediate removal from all training, with no access to weapons or sensitive information
- Expedited separation from active duty in accordance with Army Regulation 40-501 (Standards of Medical Fitness), chapter 2-27d(1) and 2-27k

7. On 20 January 2009, the applicant acknowledged the EPSBD findings and further acknowledged that he had been advised that legal counsel from an attorney employed by the Army was available to him or he could consult civilian counsel at his own expense. He could request discharge from the Army without delay or request retention on active duty. He concurred with the proceedings and requested discharge from the Army without delay.

8. The applicant's commander recommended his separation from the Army. The separation authority approved the recommendation on 2 February 2009.

9. The applicant was discharged on 6 February 2009. He was credited with 2 months and 24 days of net active service this period. His DD Form 214 (Certificate of Release or Discharge from Active Duty) contains the following entries in:

- item 24 (Character of Service) – Uncharacterized
- item 25 (Separation Authority) – AR [Army Regulation] 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-11
- item 26 (Separation Code) – JFW
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Failed Medical/Physical Procurement Standards

10. On 25 March 2025, the ABCMR staff requested that the applicant provide medical documents to support his issue of PTSD and other mental health conditions. He was advised that he could contact the doctor that diagnosed him or his Veterans Affairs regional office for assistance. He did not respond.

11. MEDICAL REVIEW:

a. Background: The applicant is requesting an upgrade of his uncharacterized discharge to honorable. He contends PTSD and OMH as related to his request.

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:

- Applicant enlisted in the Regular Army 6 November 2008.
- A DA Form 4707 (Entrance Physical Standard Board (EPSBD) Proceedings) dated 13 January 2009 notes the applicant was evaluated as a psychiatric outpatient. The applicant was diagnosed with Depression and Anxiety and recommended for immediate removal from all training, with no access to weapons or sensitive information, and expeditious separation from active duty in accordance with Army Regulation 40-501 (Standards of Medical Fitness), chapter 2-27d(1) and 2-27k.
- Applicant was discharged on 6 February 2009 under the provision of AR 635-200, paragraph 5-11, Failed Medical/Physical Procurement Standards. He was credited with 2 months and 24 days of net active service this period. His DD Form 214 confirms his service was uncharacterized with separation code JFW and RE code 3.

c. Review of Available Records: The Army Review Board Agency's (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant states he suffered a nervous breakdown during basic training and was diagnosed with schizophrenic disorder, which was not appropriately addressed. He believes he is entitled to Veterans Affairs disability benefits for substance abuse and mental health. His condition was made worse by his time in the Army. He needs help.

d. Hardcopy medical documentation provided by the applicant shows an enlistment physical examination dated 6 October 2008. During the examination, the applicant denied any psychiatric concerns and in the medical history section he did not endorse any mental health concerns including depression, nervousness, having been treated for a mental health condition, or receiving counseling of any kind despite an extensive psychiatric history prior to military service. A note dated 8 January 2009, shows the applicant was late returning from leave due to having been psychiatrically hospitalized following an apparent suicide gesture when he attempted to jump in front of traffic because his father would not allow him to remain home and not return to basic training. He further reported an extensive psychiatric history of anxiety and depression, prior to joining the Army, and being treated by a psychiatrist for over 2 years with psychotropic medications. He reported discontinuing his medications 1 to 2 months prior to his enlistment. He reported a history of 2 to 3 prior suicide attempts and provided the contact information for his treating psychiatrist. A note dated 13 January 2009 documents the applicant's extensive psychiatric history and inpatient psychiatric hospitalization was verified via medical records from both his treating psychiatrist and the hospital. The applicant was diagnosed with Depression, NOS, and Anxiety, NOS, and recommended for immediate removal from all training, with no access to weapons or sensitive information, and expeditious separation from active duty.

e. The VA's Joint Legacy Viewer (JLV) was reviewed and indicates the applicant is not service connected. The record shows the applicant received supportive case management services from April 2024 to January 2025 via the Veteran Justice Outreach, while incarcerated, with a focus on obtaining benefits.

f. Based on the information available, it is the opinion of the Agency Behavioral Health Advisor that there is evidence the applicant had a behavioral health condition that would have precluded him from military service. Given his service was less than 179 days, his discharge was proper and equitable.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant selected PTSD and OMH on his application as related to his request.

(2) Did the condition exist or experience occur during military service? Yes. There is evidence the applicant had an extensive pre-existing psychiatric history that would have precluded him from military service. While in service he was diagnosed with Depression and Anxiety, recommended for immediate removal from all training, and expeditious separation from active duty

(3) Does the condition or experience actually excuse or mitigate the discharge? No. The applicant does not appear to have been discharged due to any misconduct. The Entrance Physical Standard Board (EPSBD) Proceedings show the applicant enlisted despite an extensive psychiatric history and prior suicide attempts. He was recommended for expeditious separation from active duty and his service was uncharacterized. This discharge does not attempt to characterize his service as good or bad it simply indicates, through no fault of the applicant, he had a pre-existing BH condition that would have precluded military service. It is the opinion of this ARBA Advisor that his discharge was proper and equitable, and no upgrade is warranted.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The governing regulation provides that a separation will be described as an entry-level separation, with service uncharacterized, if the separation action is initiated while a Soldier is in entry-level status. Soldiers are authorized and honorable

discharge while in entry-level status only if they complete their active duty schooling and earn their MOS. Upon review of the applicant's petition, available military records and the medical review the Board concurred with the medical review opine based on the information available, it is the opinion of the Agency Behavioral Health Advisor that there is evidence the applicant had a behavioral health condition that would have precluded him from military service. Given his service was less than 179 days, his discharge was proper and equitable.

Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant selected PTSD and OMH on his application as related to his request.

(2) Did the condition exist or experience occur during military service? Yes. There is evidence the applicant had an extensive pre-existing psychiatric history that would have precluded him from military service. While in service he was diagnosed with Depression and Anxiety, recommended for immediate removal from all training, and expeditious separation from active duty

(3) Does the condition or experience actually excuse or mitigate the discharge? No. The applicant does not appear to have been discharged due to any misconduct. The Entrance Physical Standard Board (EPSBD) Proceedings show the applicant enlisted despite an extensive psychiatric history and prior suicide attempts. He was recommended for expeditious separation from active duty and his service was uncharacterized. This discharge does not attempt to characterize his service as good or bad it simply indicates, through no fault of the applicant, he had a pre-existing BH condition that would have precluded military service. It is the opinion of this ARBA Advisor that his discharge was proper and equitable, and no upgrade is warranted.

2. The Board noted, the applicant did not complete training and was discharged for Failed Medical/Physical Procurement Standards. Evidence show he completed 2 months and 24 days of net active service this period. As such, his DD Form 214 properly shows the character of service as uncharacterized. Therefore, relief is denied.

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.

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 (Active Duty Enlisted Administrative Separations) 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. Paragraph 3-9 provides that a separation would be described as entry level with uncharacterized service if processing was 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 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.

e. The character of service for Soldiers separated under this provision would normally be honorable but would be uncharacterized if the Soldier was in an entry-level status. An uncharacterized discharge is neither favorable nor unfavorable; in the case of Soldiers issued this characterization of service, an insufficient amount of time would have passed to evaluate the Soldier's conduct and performance.

//NOTHING FOLLOWS//