

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 August 2025

DOCKET NUMBER: AR20240010509

APPLICANT REQUESTS: an upgrade of her characterization of service from uncharacterized to honorable.

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

- DD Form 149 (Application for Correction of Military Record), 5 August 2024
- Two Department of Veterans Affairs (VA) letter, 11 December 2023 and 24 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 her character of service was previously changed to honorable but was not filed correctly.
3. She enlisted in the Regular Army on 23 January 2003.
4. On 5 April 2003, she was counseled by her noncommissioned officer (NCO) for her performance, lack of motivation, and failure to run in an assigned run group. Her NCO advised her that her display of no initiative and unacceptable performance could result in her being recommended for separation from the Army.
5. On 24 April 2003, she was counseled by her company level commander for her physical training and rehabilitation program recommendation due to an injury.
6. On 16 June 2003, the applicant underwent a mental status evaluation by reason of self-referral. The examining official opined the applicant was mentally responsible and suffered from adjustment disorder with depressive mood.

7. On an unspecified date, her company level commander notified her that he was initiating action to separate her from service under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), chapter 11, for entry level performance and conduct, with the issuance of an uncharacterized discharge. Her commander noted the reason for is proposed action was her adjustment disorder.
8. On 26 June 2003, after consulting with counsel for the contemplated action against her, she acknowledged the notification to separate her under the provisions of AR 635-200, chapter 11, for entry level performance and conduct. She elected to not submit statements on her behalf, waived representation by counsel, and acknowledged she may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions was issued to her.
9. On an unspecified date, her company level commander formally recommended she be separated from the Army under the provisions of AR 635-200, chapter 11, for entry level performance and conduct, with the issuance of an uncharacterized discharge.
10. 30 June 2003, the separation approval authority approved the recommended discharge under the provisions of AR 635-200, chapter 11, for entry level performance/conduct, and directed the applicant's service be uncharacterized.
11. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was discharged in the rank/grade of private/E-2 on 9 July 2003 under the provisions of AR 635-200, chapter 11, by reason of entry level performance and conduct. She completed 5 months and 17 days of net active service. Her service was uncharacterized. She was issued the separation code "JGA" and the reenlistment code "3". Item 13 (Decorations, Medals, Badges, Citation and Campaign Ribbons Awarded or Authorized), does not list any awards or medal.
12. She provided two VA summary benefits letters. The letter dated 11 December 2023 shows her character of service from 23 January 2003 to 8 July 2003 characterized as Honorable. The letter dated 24 July 2024 shows the same period of service characterized as Other Than Honorable.
13. There is no indication the applicant applied to the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.
14. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active-duty service. The evidence of record shows he was in an entry-level status at the time of his separation. 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.

15. In reaching its determination, the Board can consider the applicant's petition, arguments and assertions, and service record in accordance with the published equity, injustice, or clemency guidance.

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 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 and the reason for separation. The applicant was separated for unfitness with the commander citing adjustment disorder. The Board found no error or injustice in the separation proceedings under the regulation and subsequent characterization of service assigned at separation. Therefore, the Board determined relief was not warranted.

2. An uncharacterized discharge is given to individuals on active duty who separate prior to completing 180 days of military service, or when the discharge action was initiated prior to 180 days of service. This type of discharge does not attempt to characterize service as good or bad.

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.

8/15/2025

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 three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. AR 635-200, in effect at the time, sets 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. Readiness is promoted by maintaining high standards of conduct and performance.

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. Chapter 11 provides that separation under this chapter applies to Soldiers who are in an entry level status and, before the date of the initiation of separation action, have completed no more than 180 days of continuous active duty and have demonstrated that they cannot or will not adapt socially or emotionally to military life. Entry level status is defined as the first 180 days of continuous active duty. It further

states that the character of service for members separated under the provisions of this chapter will be uncharacterized.

c. Section II (Terms):

(1) Character of service for administrative separation - A determination reflecting a Soldier's military behavior and performance of duty during a specific period of service. The three characterizations are honorable, general (under honorable conditions), and under other than honorable conditions. The service of Soldiers in entry-level status is normally described as uncharacterized.

(2) Entry-level status - For Regular Army Soldiers, entry-level status is the first 180 days of continuous active duty or the first 180 days of continuous active duty following a break of more than 92 days of active military service.

3. 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 court-martial forum. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice. This guidance does not mandate relief but provides standards and principles to guide Boards in application of their equitable relief authority.

a. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, Boards shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//