

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 August 2025

DOCKET NUMBER: AR20240010665

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- An upgrade of his under other than honorable conditions (UOTHC) discharge to honorable
- Change his narrative reason for separation to Secretarial Authority
- Change his separation code
- Change his reentry code

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

- DD Form 149 (Application for Correction of Military Record)
- List of Exhibit's
- Exhibit A-Self-Authored Statement
- Attorney Brief
- Exhibit B Service Record
- Exhibit B Guidance to Military Discharge Review Boards, 25 July 2018
- Exhibit C Character Letters
- Exhibit D Paystub from Employment
- Exhibit E Memos, Regulations, Studies and Decisions
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Medical Documents

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 (Exhibit A-) he grew up without a father in his life. He met his recruiter in high school. He dropped out of high school and later got his graduate equivalency diploma (GED) in basic training. In Germany his officers had a superiority complex, and they were too unforgiving on good Soldiers who made small mistakes.

This led to resentment against these types of officers. His leaders were toxic. He was granted leave and while on leave he told Veterans about the toxic leadership in his unit. He called his supervisor who told him he could extend his leave. The police detained him up at his mother's house. He talked to a judge adjutant general officer who said it would be better to take the UOTHC than going to court martial. He never meant to go absent without leave (AWOL). Post service he continued to work. He thought his discharge would automatically be upgraded, but it was not.

3. Counsel states (on DD Form 149) the applicant's discharge was an injustice and unjust as the punishment was too harsh.

a. He never intended to go AWOL. He acted on misinformation or miscommunication from his supervisor. He also relied solely on and trusted his supervisor to get back to him. As a young Soldier who enlisted right after high school, he only knew what the military instilled in him which was to trust his supervisor. This led to his unwittingly going AWOL. If he had better knowledge or a better supervisor, he would not have been considered AWOL and never discharged with an UOTHC in lieu of court martial. He deserves a second chance as his post service shows his true character and he does not deserve to still be punished. He accepts responsibility for not taking more initiative to understand his situation and acknowledges he was AWOL, albeit not intentionally.

4. The applicant provides a DD Form 214 and service records. His service record is not available for review; however, the documents he provided (service record) is sufficient enough for the Board to make a recommendation. His documents show:

- He enlisted in the Regular Army on 2 February 1984
- He served in Germany from 7 July 1984 through 19 June 1986
- He was AWOL on 14 July 1986
- He was dropped from the rolls on 14 August 1986
- He was apprehended by civilian authorities on 16 September 1986 and returned to military control
- His DD Form 214 shows he was discharged the good of the service-in lieu of court martial on 5 November 1986.
- He received an UOTHC discharge with a separation code "KFS" and a reentry code of 3B, due to in lieu of trial by court-martial 3. He completed 2 years, 7 months, and 2 days of net active service
- He had lost time from 14 July 1986 to 15 September 1986
- Exhibits C, D and E were not provided in his application

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 DoD 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 pending court-martial charges for being absent without leave from 14 July 1986 to 16 September 1986, punishable under the Uniform Code of Military Justice with a punitive discharged and received an Under Other Than Honorable Discharge with a narrative reason “in lieu of trial by court-martial”, a “KFS separation code, and a reentry code of 3B due to in lieu of trial by court martial. Therefore, the Board determined that there was insufficient evidence to warrant a change to his characterization of service.

2. Characterization of Service. Deny. The Board found no error or injustice in the designated characterization of service assigned by his commander during separation. The Board noted the applicant’s age and lack of experience; however, due to the length of his AWOL and based on a preponderance of the evidence, the Board concluded that the characterization of service the applicant received upon separation was appropriate and denied relief.

3. Narrative Reason for Separation: Deny. The Board found no error or injustice in the narrative reason for separation the applicant received upon his separation. The Board noted he voluntarily requested separation in lieu of trial by counsel, and therefore the narrative reason for separation is appropriate. The Board concluded that there is no error or injustice and denied relief.

4. Separation Code: The Board found no error or injustice in the separation code the applicant received upon separation. Pursuant to Army Regulation, the code he received accurately reflects the code for in lieu of trial by court-martial; therefore, the Board determined there was no error or injustice and denied relief.

5. Reentry Code: Deny. The Board found no error or injustice in the reentry code the applicant received upon separation. Pursuant to Army Regulation, the reentry code he received was the appropriate code for his separation. Therefore, the Board concluded there was no error or injustice and denied relief.

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.

8/13/2025

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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. Army Regulation (AR) 635-200 (Personnel Separations-Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel. Chapter 10 provides that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for discharge for the good of the service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt. Although an honorable or general discharge is authorized, a discharge under other than honorable conditions is normally considered appropriate.

a. Paragraph 3-7a states 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.

b. Paragraph 3-7b states that a general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

3. Army Regulation 635-5 (Personnel Separations-Separation Documents) prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established the standardized policy for the preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The information entered thereon reflects the conditions as they existed at the time of separation. It states for:

a. Item 24 (Character of Service) characterization or description of service is determined by directives authorizing separation. Proper completion of this block is vital since it affects the Soldier's eligibility for post-service benefits. Only six standard characterizations in this block are authorized: honorable, under honorable conditions (general), under other than honorable conditions, bad conduct, dishonorable and uncharacterized.

b. Item 28 (Narrative Reason for Separation) is based on regulatory or other authority and can be checked against the cross reference in Army Regulation 635–5–1.

4. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities and reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214 (Certificate of Release or Discharge from Active Duty). The KFS (is to be used for RA Soldiers discharged for the good of the service-in lieu of trial by court martial).

5. The SPD/RE Code Cross Reference Table provides instructions for determining the RE Code for Active Army Soldiers and Reserve Component Soldiers. This cross-reference table shows the SPD code and a corresponding RE Code. The table in effect at the time of his discharge shows KFS has a corresponding RE Code of "3."

6. Army Regulation 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army, U.S. Army Reserve, and Army National Guard. Table 3-1 provides a list of RE codes:

- RE-1 Applies to persons immediately eligible for reenlistment at time of separation
- RE-2 Applies to persons not eligible for immediate reenlistment
- RE-3 Applies to persons who may be eligible with waiver-check reason for separation
- RE-4 Applies to persons who are definitely not eligible for reenlistment

//NOTHING FOLLOWS//