

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 August 2025

DOCKET NUMBER: AR20240011012

APPLICANT REQUESTS: her uncharacterized service be upgraded to honorable, with a different reason for separation and separation code. Additionally, she requests a personal appearance before the Board via video/telephone.

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 when she was in basic training, she was sexually harassed by one of her drill sergeants, she sought medical assistance and was informed she would be honorably discharged under a medical discharge. She has developed major depressive disorder and post-traumatic stress disorder (PTSD) from this. It has taken her a long time to request this change because of her fear, shame, and feelings of letting the country down.
3. On her DD Form 149, she notes PTSD, other mental health, sexual assault/harassment, and reprisal/whistleblower are related to this request.
4. A review of the applicant's service record shows the following:
 - a. She enlisted in the Regular Army on 5 January 2000.
 - b. Her official military personnel file is void of a separation packet showing the facts and circumstances of her discharge. However, her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she received an uncharacterized discharge on 14 February 2000, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) paragraph 5-11 (failure to meet procurement medical

fitness standards), with separation code JFW and reentry code 3. She served 1 month and 10 days of net active service and was not awarded a military occupational specialty.

5. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active-duty service. 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.

6. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting to change her uncharacterized discharge to honorable. She contends she experienced sexual harassment/MST and mental health conditions including post-traumatic stress disorder (PTSD) during her time in service, related to her request. 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: 1) The applicant enlisted in the Regular Army on 5 January 2000; 2) Her official military personnel file is void of a separation packet showing the facts and circumstances of her discharge; 3) The applicant's DD214 shows she was released from active-duty training on 14 February 2000- AR 635-200 paragraph 5-11 for failure to meet procurement medical fitness standards. Her service was determined to be uncharacterized. She completed 1 month and 10 days of net active service.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the available supporting documents and the available military service and medical records. The VA's Joint Legacy Viewer (JLV) was also reviewed. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. The applicant asserts that sexual harassment/MST and mental health conditions including PTSD impacted the circumstances leading to her discharge. There is insufficient evidence the applicant reported or was diagnosed with a mental health condition including PTSD while on active service.

d. A review of JLV did not reveal any results. There is insufficient evidence the applicant has ever been diagnosed with any VA service-connected mental health condition or receives any VA service-connected disability.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence that the applicant was diagnosed with a mental health condition including PTSD. In addition, there is insufficient information surrounding the events that resulted in the applicant's discharge to provide an appropriate opinion on possible mitigation as the result of her reported mental health condition or experience.

However, 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 misconduct? No, the applicant asserts she experienced sexual harassment/MST and mental health conditions including PTSD while on active service, which mitigates her misconduct. However, there is insufficient evidence that the applicant was diagnosed with a mental health condition including PTSD. In addition, there is insufficient information surrounding the events that resulted in the applicant's discharge to provide an appropriate opinion on possible mitigation as the result of her reported mental health condition or experience. However, per Liberal consideration, her contention is sufficient for the Board's consideration.

(2) Did the condition exist or experience occur during military service? N/A.

(3) Does the condition or experience actually excuse or mitigate the misconduct? N/A.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, 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 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. The applicant did not complete training and was released from active duty due to failure to meet procurement medical fitness standards and received the appropriate separation code as a result. The Board concurred with the medical advisory opinion that there was no mitigating circumstances or behavioral health issue that would alter her discharge, narrative reason and separation code. Therefore, the Board determined this DD Form 214 was proper and equitable.

a. Characterization of Service: Deny. The Board determined that the applicant did not complete training and was released from active duty due to failure to meet procurement medical fitness standards. The Board determined his DD Form 214 properly shows the appropriate characterization of service as uncharacterized and denied relief.

b. Narrative Reason for Separation: Deny. The Board determined the applicant did not complete training and was released from active duty due to failure to meet procurement medical fitness standards. Therefore, there was no error or injustice and denied relief.

c. Separation Code: Deny. The Board determined that the applicant received the appropriate separation code for failure to meet procurement medical fitness standards and that there was no error or injustice and denied relief.

2. 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.

3. Based upon the misconduct leading to the applicant's separation and the following recommendation found in the medical review related to the liberal consideration:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? No, the applicant asserts she experienced sexual harassment/MST and mental health conditions including PTSD while on active service, which mitigates her misconduct. However, there is insufficient evidence that the applicant was diagnosed with a mental health condition including PTSD. In addition, there is insufficient information surrounding the events that resulted in the applicant's discharge to provide an appropriate opinion on possible mitigation as the result of her reported mental health condition or experience. However, per Liberal consideration, her contention is sufficient for the Board's consideration.

(2) Did the condition exist or experience occur during military service? N/A.

(3) Does the condition or experience actually excuse or mitigate the misconduct?
N/A.

The Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's characterization of service, narrative reason for separation or separation code.

4. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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

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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. Section 1556 of Title 10, U.S. Code, requires the Secretary of the Army to ensure that an applicant seeking corrective action by 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 ABCMR applicants (and/or their counsel) prior to adjudication.

3. 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 ABCMR has the discretion to hold a hearing; applicants do not have a right to appear personally before the Board. The Director or the ABCMR may grant formal hearings whenever justice requires.

4. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel.

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. 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. A characterization of under honorable conditions may be issued only when the reason for the Soldier's separation specifically allows such characterization.

c. Paragraph 3-9 (Uncharacterized Separations). Separation authorities were to describe a separation as entry-level, with service uncharacterized, if commanders-initiated separation processing while a Soldier was in entry-level status. The regulation additionally specified the Secretary of the Army, or designee, could grant a Soldier an honorable character of service, on a case-by-case basis, when clearly warranted by unusual circumstances involving personal conduct and performance of military duties.

(1) Effective 28 January 1982, the Department of Defense (DOD) established "entry-level status" in DOD Directive 1332.14 (Enlisted Administrative Separations).

(2) For active-duty service members, entry-level status began on the member's enlistment and continued until he/she had served 180 days of continuous active duty.

d. Paragraph 5-11 (Separation of Personnel who did not Meet Procurement Medical Fitness Standards) provides 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 six 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 (Standards of Medical Fitness).

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.

5. On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to Discharge Review Boards (DRB) and Boards for Correction of Military/Naval Records (BCM/NR) when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including Post-Traumatic Stress Disorder; Traumatic Brain Injury; sexual assault; or sexual harassment. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the sexual assault or sexual harassment was unreported, or the mental health condition was not diagnosed until years later. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on those conditions or experiences.

6. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs and BCM/NRs 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//