

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 September 2025

DOCKET NUMBER: AR20240011478

APPLICANT REQUESTS: in effect, reconsideration of his previous request for his uncharacterized discharge to be changed to honorable.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220011928 on 18 July 2023.
2. As a new argument, the applicant notes post-traumatic stress disorder (PTSD) and other mental health as conditions related to his request.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 27 October 1999.
 - b. He was formally counseled on 13 November 1999 and 8 January 2000. Areas of emphasis covered in the counseling included:
 - failure to follow instructions
 - disobeying an order
 - lack of motivation and discipline
 - fighting
 - c. He accepted nonjudicial punishment on 15 January 2000, for unlawfully striking another Soldier on the face with his fist, on or about 7 January 2000.
 - d. He was formally counseled on 17 January 2000 for possession of contraband (pornographic material) and lack of discipline.

e. On 21 January 2000, his commander notified him of his intent to separate him under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), Chapter 11, by reason of entry level performance and conduct.

f. He was advised by his commander of the basis for the contemplated action to separate him and its effects; of the rights available to him; and the effects of any action taken by him to waive his rights. He waived consulting counsel, elected not to submit a statement in his own behalf, and did not request a separation physical.

g. His commander recommended approval of the separation action and a waiver of the rehabilitative requirement.

h. On 28 January 2000, the separation authority approved the recommended separation action, waived the rehabilitative requirement, and directed the issuance of an uncharacterized entry level separation.

i. The applicant was discharged on 7 February 2000, by reason of entry level performance and conduct. His service was uncharacterized. He completed 3 months and 11 days of net active service.

4. The ABCMR reviewed his request for an honorable discharge on 18 July 2023. After careful consideration, the Board determined relief was not warranted and denied his request.

5. In the processing of this case, the Army Review Boards Agency (ARBA) sent an email to the applicant, on 3 July 2025, requesting medical documentation to support his mental health issues. To date, no additional documentation has been received.

BOARD DISCUSSION:

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 review based on law, policy and regulation. The evidence of records shows the applicant enlisted in the Regular Army on 27 October 1999. He was formally counseled on 13 November 1999 and 8 January 2000. Areas of emphasis covered in the counseling included:

- failure to follow instructions
- disobeying an order
- lack of motivation and discipline
- fighting

He accepted nonjudicial punishment on 15 January 2000, for unlawfully striking another Soldier on the face with his fist, on or about 7 January 2000. 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 entry level performance and conduct. His service was uncharacterized. He completed 3 months and 11 days of net active service. The Board determined his DD Form 214 properly shows the appropriate characterization of 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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 amendment of the ABCMR decision rendered in Docket Number AR20220011928 on 18 July 2023.

X //Signed//

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. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) 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.

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. 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. 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.

d. A separation would be described as entry level with uncharacterized service if processing were 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.

e. 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.

2. 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/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.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief based on equity, injustice, or clemency grounds, BCM/NRs 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//