

**1. Applicant's Name:**

- a. **Application Date:** 4 May 2021
- b. **Date Received:** 13 May 2021
- c. **Counsel:** None

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is uncharacterized. The applicant requests an upgrade of their character of service.

(2) The applicant seeks relief contending, they were given an uncharacterized discharge due to injuries they incurred in a vehicle accident. They were on the back of a military vehicle with other trainees when the vehicle flipped on its side and ejected everyone from the vehicle. They were not able to continue all of their training due to their injuries. They received an uncharacterized discharge instead of a medical discharge. They are requesting the upgrade of their characterization of service so they can be approved for GI Bill educational benefits to complete their degree.

**b. Board Type and Decision:** In a records review conducted on 13 November 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Entry Level Performance and Conduct / Army Regulation 635-200, Chapter 11 / JGA / RE-3 / Uncharacterized

**b. Date of Discharge:** 14 May 2015

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 27 April 2015

(2) **Basis for Separation:**

- Buddy Team Tactics (BTT) failure [Weapons Qualification]
- Army Physical Fitness Test (APFT) failures
- lack of motivation
- failure to meet Basic Combat Training (BCT) objectives

(3) **Recommended Characterization:** Uncharacterized

(4) **Legal Consultation Date:** 27 April 2015

(5) **Administrative Separation Board:** NIF

(6) **Separation Decision Date / Characterization:** 7 May 2015

**4. SERVICE DETAILS:**

- a. **Date / Period of Enlistment:** 18 February 2015 / 4 Years
- b. **Age at Enlistment / Education / GT Score:** 21 / HS Diploma / 97
- c. **Highest Grade Achieved / MOS / Total Service:** E-1 / NA / 2 months, 27 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** NA
- f. **Awards and Decorations:** None
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) A DA Form 4856 (Developmental Counseling Form) dated 12 April 2015, reflects the applicant received event oriented counseling from their senior drill sergeant for failure to complete BTT [Weapons Qualification]. The Key Points of Discussion states the applicant failed to complete the BTT on 7 April 2015. They were corrected numerous times for safety and for showing a lack of motivation. After returning from the weapon range, the applicant told their senior drill sergeant they no longer wanted to be in the Army and would not like to make up the training. The Plan of Action states the applicant will be rescheduled to make up the BTT pending their ability to pass their final APFT. The applicant agreed with the information, provided no remarks, and signed the form.

(2) A DA Form 4856 dated 14 April 2015 reflects the applicant received event oriented counseling from their drill sergeant with the recommendation for an Entry Level Separation. The Key Points of Discussion states on 13 April 2015, the applicant failed to meet the minimum 50 points in each event in order to graduate. Throughout BCT, they have failed to meet the required 50 points in each event on the APFT. On 7 April 2015, the applicant told them they no longer have a desire to remain in the Army. Due to repetitive issues regarding motivation, attention to detail, and physical fitness, the drill sergeant is recommending the applicant be separated from the Army. The applicant agreed with the information, provided no remarks, and signed the form.

(3) On 21 April 2015, the applicant completed a memorandum, subject: Refusal to Participate in Training, reflects the applicant no longer wishes to continue training to be in the Army. They have made the decision as they do not believe the army was meant for them, they have problems adjusting and learning what is required of them. They acknowledged that they currently do not have injuries or medical concerns. By signing the form, they acknowledge they have completed the memorandum of their own free will and without instruction or coercion from any military member and understand that refusing to train may lead to administrative action.

(4) A DA Form 4856 dated 22 April 2015 reflects the applicant receive counseling from their company commander with the recommendation for an Entry Level Separation due to a lack of motivation and failure to complete tasks. The applicant agreed with the information, provided no remarks, and signed the form.

(5) A memorandum, Charlie Company, 2nd Battalion, 47th Infantry Regiment, 194th Armored Brigade, subject: Separation under Army Regulation 635-200, Chapter 11,

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Entry Level Performance and Conduct, [Applicant], dated 27 April 2015, reflects the applicant's notification for separation from their company commander. The company commander states the applicant failed the BTT on 7 April 2105, failed the APFT on 15 April 2015, lack of motivation and failure to meet the training objectives. The company commander recommended their service be characterized as Uncharacterized. On the same day, the applicant acknowledged receipt of the separation notice and of the rights available to them.

(6) On 27 April 2015, the applicant completed their Election of Rights regarding separation under Army Regulation 635-200, chapter 11, stating they have been advised by their consulting counsel of the basis of the contemplated action to separate them for Entry Level Performance and Conduct, and its effects; of the rights available to them; and of the effect of any action taken by them in waiving their rights. They understand they may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions is issued to them and further understand that as the result of issuance of a discharge less than honorable, they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They waived consulting counsel and elected not to submit statements in their own behalf.

(7) A memorandum, Charlie Company, 2nd Battalion, 47th Infantry Regiment, 194th Armored Brigade, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Chapter 11, Entry Level Performance and Conduct, [Applicant], dated 27 April 2015, reflects the applicant's company commander's recommendation to separate them from the Army prior to the expiration of their current term of service. The company commander states they do not consider it feasible or appropriate to accomplish other disposition as the applicant has failed to meet minimum requirements on the APFT and has failed to meet training objectives.

(8) A memorandum, 2nd Battalion, 47th Infantry Regiment, 194th Armored Brigade subject: Separation under Army Regulation 635-200, Chapter 11, [Applicant], dated 7 May 2015, reflects the separation authority reviewed the separation packet of the applicant and after careful consideration of all matters directed the applicant be separated from the Army prior to the expiration of their current term of service. They directed the applicant's service be characterized as Uncharacterized. After reviewing the rehabilitative transfer requirements, they determined the requirements are waived, as the transfer will serve no useful purpose or produce a quality Soldier.

(9) On 14 May 2015, the applicant was discharged from the Regular Army. Their DD Form 214 shows in:

- item 18 (Remarks) – in part, MEMBER HAS NOT COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – Uncharacterized
- item 25 (Separation Authority) – Army Regulation 635-200, Chapter 11
- item 26 (Separation Code) – JGA
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Entry Level Performance and Conduct

i. **Lost Time / Mode of Return:** None

j. **Behavioral Health Condition(s):** None

**5. APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DD Form 214
- Medical Records
- Department of Veterans Affairs Letter

**6. POST SERVICE ACCOMPLISHMENTS:** None submitted with the application.

**7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

a. Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 10, U.S. Code, Section 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense (DoD) Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be

considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

**c.** Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and Instruction 1332.28.

**d.** Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 6 September 2011, set 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.

**(1)** An Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier'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.

**(2)** A General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

**(3)** A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

**(4)** Chapter 11 provides for the separation of personnel due to unsatisfactory performance, conduct, or both, while in an entry level status.

**(5)** Paragraph 11-3a (2) stipulates the policy applies to Soldiers who are in entry-level status, undergoing Initial Entry Training, and, before the date of the initiation of separation action, have completed no more than 180 days of creditable continuous Active Duty or Initial Active Duty Training.

**(6)** Paragraph 14-3 (Characterization of Service or Description of Separation) prescribed a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

**(7)** Paragraph 11-8 stipulates service will be described as uncharacterized under the provisions of this chapter.

(8) Glossary defines entry-level status for Regular Army Soldiers 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.

(9) Chapter 15 (Secretarial Plenary Authority), currently in effect, provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

f. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JGA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 11 (Entry Level Performance and Conduct).

g. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DoD Instructions 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

(1) RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

(2) RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

## **8. SUMMARY OF FACT(S):**

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the available evidence provides the applicant received developmental counseling for failure to pass BTT and the APFT, stated they no longer wanted to be in the Army, and was discharge from the Army for Entry Level Performance and Conduct. Their DD Form 214 provides the applicant was discharged with a character of service of Uncharacterized under the provisions of Army Regulation 635-200, chapter 11. They completed 2 months and 27 days of their 4-year contractual enlistment obligation and did not complete their first full term of service.

c. Army Regulation 635-200 states a separation will be described as entry-level with service uncharacterized if, at the time separation action is initiated, the Soldier has less than 180 days of continuous active duty service. Based on the time in service, the applicant was in an Entry Level Status and the Uncharacterized discharge was appropriate.

d. The applicant's AMHRR does not reflect documentation of a diagnosis of Traumatic Brain Injury (TBI) nor did the applicant provide such evidence.

e. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

#### 9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **N/A.** The applicant was not discharged for misconduct, rather, the discharge was based on applicant's Buddy Team Tactics (BTT) failure [Weapons Qualification], Army Physical Fitness Test (APFT) failures, lack of motivation, and failure to meet Basic Combat Training (BCT) objectives during their entry-level status. Therefore, there was no mitigation based on applicant's medical conditions.

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

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

(4) Does the condition or experience outweigh the discharge? **N/A.**

b. Response to Contention(s):

(1) The applicant contends they were given an uncharacterized discharge due to injuries they incurred in a vehicle accident. They were not able to continue all of their training due to their injuries. The Board considered this contention and determined the applicant was diagnosed with TBI, however, there is no mitigation as the applicant was not discharged for misconduct. The applicant was in an entry level status, thus, uncharacterized is appropriate.

(2) The applicant contends the received an uncharacterized discharge instead of a medical discharge. The Board considered this contention and determined that the applicant's requested change to the DD Form 214 does not fall within the purview of the ADRB. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using a DD Form 149 regarding this matter. A DD Form 149 may be obtained from a Veterans' Service Organization.

(3) The applicant contends they are requesting the upgrade of their characterization of service to they can be approved for GI Bill educational benefits to complete their degree. The Board considered this contention and determined in accordance with AR 635-200 that, based on the applicant's official record, applicant was separated while in an entry level status and an UNC is the proper characterization of service except when the DCS, G-1 determines that an HD is warranted based on unusual circumstances involving personal conduct and performance of

duty, which is not applicable in this case. Therefore, no change is warranted. Eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

**c.** The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

**d.** Rationale for Decision:

**(1)** The Board voted not to change the applicant's characterization of service because there were no mitigating factors for the Board to consider. Since the applicant was discharged for applicant's Buddy Team Tactics (BTT) failure [Weapons Qualification], Army Physical Fitness Test (APFT) failures, lack of motivation, and failure to meet Basic Combat Training (BCT) objectives during their entry-level status, Uncharacterized is proper and equitable. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

**(2)** The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, as the reason the applicant was discharged was both proper and equitable.

**(3)** The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.



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## 10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: No
- b. Change Characterization to: No Change
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

## Authenticating Official:

3/13/2025

X

Presiding Officer, COL, U.S. ARMY

Army Discharge Review Board

### Legend:

AWOL – Absent Without Leave  
AMHRR – Army Military Human  
Resource Record  
BCD – Bad Conduct Discharge  
BH – Behavioral Health  
CG – Company Grade Article 15  
CID – Criminal Investigation  
Division  
ELS – Entry Level Status  
FG – Field Grade Article 15

GD – General Discharge  
HS – High School  
HD – Honorable Discharge  
IADT – Initial Active Duty Training  
MP – Military Police  
MST – Military Sexual Trauma  
N/A – Not applicable  
NCO – Noncommissioned Officer  
NIF – Not in File  
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty  
OBH (I) – Other Behavioral  
Health (Issues)  
OMPF – Official Military  
Personnel File  
PTSD – Post-Traumatic Stress  
Disorder  
RE – Re-entry  
SCM – Summary Court Martial  
SPCM – Special Court Martial

SPD – Separation Program  
Designator  
TBI – Traumatic Brain Injury  
UNC – Uncharacterized  
Discharge  
UOTHHC – Under Other Than  
Honorable Conditions  
VA – Department of Veterans  
Affairs