

1. **Applicant's Name:** [REDACTED]
 - a. **Application Date:** 15 November 2023
 - b. **Date Received:** 15 November 2023
 - c. **Counsel:** None

2. **REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is honorable. The applicant requests a narrative reason change to erroneous enlistment (entry).

b. The applicant seeks relief contending, in effect, the narrative reason of separation of fraudulent entry is incorrect and was supposed to be erroneous enlistment.

c. **Board Type and Decision:** In a records review conducted on 20 August 2025, and by a 4-1 vote, the Board determined the narrative reason for the applicant's separation is improper based on the circumstances surrounding the discharge; the Enlisted Personnel Proponent Division erroneously approved an Army Civilian Acquired Skills Program (ACASP) request from UAREC for the applicant as a 68C who held a registered nurse license rather than a required LPN license. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The RE code will change to 1.

Please see Section 9 of this document for more detail regarding the Board's decision.

(Board member names available upon request)

3. **DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** Fraudulent Entry / AR 635-200, Chapter 7, SEC IV / JDA / RE-3 / Honorable

b. **Date of Discharge:** 30 June 2022

c. **Separation Facts:** The applicant's AMHRR contains the case separation file. However, the applicant provided documents which are described below in 3c (1) through (6).

(1) **Date of Notification of Intent to Separate:** 16 March 2022

(2) **Basis for Separation:** The applicant was informed of the following reasons: In accordance with AR 40-68 (Medical Services - Quality Assurance Management), military occupational specialty (MOS) 68C must hold a licensed practical nurse (LPN) certification in order to be considered MOS qualified. A registered nurse license is not a substitute as it exceeds the duties and scopes authorized for an enlisted Soldier. Since the applicant had a registered nurse license rather than a required LPN license, the applicant was not MOS qualified for MOS 68C.

(3) **Recommended Characterization:** Honorable

(4) **Legal Consultation Date:** On 16 March 2022, the applicant waived legal counsel.

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

(6) **Separation Decision Date / Characterization:** 2 May 2022 / Honorable

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 11 February 2020 / 5 years

b. **Age at Enlistment / Education / GT Score:** 31 / 114

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 09B10, Trainee, Unassigned / 2 years, 4 months, and 20 days

d. **Prior Service / Characterizations:** USMC, 19 April 2007 - 18 April 2011 / HD

e. **Overseas Service / Combat Service:** SWA / Afghanistan (deployed while in the Marine Corps, NIF)

f. **Awards and Decorations:** ARCOM, NDSM, GWOTSM, ACM-CS, NATOMDL

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** The applicant provided:

(1) U.S. Army Medical Center of Excellence, S__ C. P__, Lead Human Resources Specialist, email (Erroneous Enlistment, (Applicant), MOS 68C)), 14 January 2022, states in January 2020, someone in the Enlisted Personnel Proponent Division erroneously approved an Army Civilian Acquired Skills Program (ACASP) request from the United States Army Recruiting Command (USAREC) for a 68C who held a registered nurse license rather than a required LPN license. In accordance with AR 40-68, MOS 68C must hold an LPN certification in order to be considered MOS qualified. A registered nurse license is not a substitute as it exceeds the duties and scopes authorized for an enlisted Soldier. This case is considered an erroneous enlistment (no fault of the Soldier or USAREC).

(2) The 29th Hospital Center, Staff Sergeant D__ A. B__, Career Counselor, email (Erroneous Enlistment, (Applicant), MOS 68C)), 18 January 2022, states the applicant has an option to be chaptered out of the Army with no fault to the applicant.

(3) The 529th Medical Detachment, Sergeant First Class W__ M. R__, Detachment Noncommissioned Officer, email (Erroneous Enlistment, (Applicant), MOS 68C)), 27 January 2022, states "It was a telephone conversation [SFC W__] had with SSG B__ in which [SSG B__] stated it is a CH 7-15 separation.

(4) Developmental Counseling Form, 7 February 2022, states the applicant through no fault was enlisted into an MOS that the applicant did not qualify for. The applicant was given the option to attend the Army's 68C program, reclassify through the needs of the Army, or begin separation process via chapter 7-15 in accordance with AR 635-200.

(5) Memorandum, subject: (Applicant) Chapter 7-15, 7 March 2022, shows the applicant elected to be separated from the Army under chapter 7-15 in accordance with AR 635-200.

(6) The applicant's Enlisted Record Brief (ERB), 7 July 2022, shows the applicant was flagged for involuntary separation/field initiated (BA), effective 21 March 2022; and was ineligible for reenlistment due to pending separation (9V).

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

j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** None

(2) **AMHRR Listed:** None

5. **APPLICANT-PROVIDED EVIDENCE:** DD Form 149, online; case separation packet (includes emails); ERB; and DD Form 214.

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

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

a. Section 1553, Title 10, United States Code (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, 10 USC 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 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; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(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) Paragraph 7-15, stipulates a Soldier may be separated based on an erroneous enlistment, induction, or extension of enlistment per guidance in Chapter 1, section II. For the purpose of Chapter 7, the term enlistment means both an original enlistment and any subsequent enlistments (re-enlistments).

(3) Paragraph 7-15j, stipulates Soldiers separated under this paragraph will be awarded an honorable character of service or order of release from custody and control of the Army unless an uncharacterized description of service is required for Soldiers in entry-level status under chapter 3, section II.

(4) Paragraph 7-17 provides, in pertinent part, a fraudulent entry is the procurement of an enlistment, reenlistment, or period of active service through any deliberate material misrepresentation, omission, or concealment of information which, if known and considered by the Army at the time of enlistment or reenlistment, might have resulted in rejection. This includes all disqualifying information requiring a waiver. A Soldier who concealed his or her conviction by civil court of a felonious offense normally will not be considered for retention.

(5) Paragraph 7-23 stipulates a Soldier discharged under the provisions of this chapter will be furnished DD Form 256A or assigned a character of service of under other than honorable conditions. In addition to chapter 3, section II, the following factors will be considered in determining the character of service to be issued during the current period of service:

(a) Evidence of pre-service misrepresentation that would have precluded, postponed, or otherwise affected the Soldier's enlistment eligibility.

(b) Characterization will normally be under other than honorable conditions if the fraud involves concealment of a prior separation in which service was not characterized as honorable.

(c) The offense of fraudulent enlistment (10 USC 883; Art 83 UCMJ) occurs when the Soldier accepts pay or allowances following enlistment procured by willful and deliberate false representation or concealment of his/her qualifications. Therefore, upon receipt of pay and allowances, it becomes an in-service activity by the Soldier and may be considered in characterizing his/her period of service, even though he/she is not tried for the offense.

(d) When the individual is in an AWOL status, or in desertion, or in the hands of civil authorities, the provisions of chapter 2, section III, must be followed.

(6) Chapter 15 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.

e. Army Regulation 635-5-1 (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 "JDA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 7, paragraph 7-17, fraudulent entry. And it identifies the SPD code of "JFC" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 7, Section III, Erroneous Entry.

f. 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 DODI 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): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

a. The applicant requests a narrative reason change to erroneous entry. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's DD Form 214 shows the served 2 years, 4 months, and 20 days. The applicant was erroneously enlisted into the U.S. Army under the ACASP. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, by reason of Fraudulent Entry, with a characterization of service of honorable.

c. The applicant contends, in effect, the narrative reason for the discharge is incorrect and was supposed to be erroneous enlistment.

(1) The narrative reason specified by Army Regulations for a discharge under AR 635-200 Chapter 7, paragraph 7-17, is "Fraudulent Entry, SEC IV" and the separation code is "JDA." Army Regulation 635-8 (Separation Processing and Documents), governs preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (SPD Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

(2) The narrative reason specified by Army Regulations for a discharge under AR 635-200, Chapter 7, Section III, paragraph 7-15 is "Erroneous Entry," and the separation code is "JFC." Army Regulation 635-8 (Separation Processing and Documents), governs preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (SPD Codes). Paragraph 7-15, stipulates a Soldier may be separated based on an erroneous enlistment, induction, or extension of enlistment. The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

(3) Based on the applicant's AMHRR, someone in the discharge process erroneously entered on the applicant's DD Form 214, block 28, Narrative Reason for Separation as "Fraudulent Entry." The discharge packet confirms the separation authority approved the discharge under the provisions of AR 635-200, paragraph 7-15. Soldiers processed for erroneous enlistments under these provisions will be assigned a narrative reason for separation as "Erroneous Entry." The SPD code specified by Army Regulations for a discharge under Chapter 7, Section III, paragraph 7-15 is "JFC."

d. 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? **No.** The Board's Medical Advisor reviewed DoD and VA medical records and found

no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused or mitigated a discharge.

(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. Prior Decisions Cited: None

c. Response to Contention: The applicant contends, in effect, the narrative reason for the discharge is incorrect and was supposed to be erroneous enlistment. The Board considered this contention valid.

d. The Board determined the narrative reason for the applicant's separation is improper based on the circumstances surrounding the discharge; the Enlisted Personnel Proponent Division erroneously approved an Army Civilian Acquired Skills Program (ACASP) request from UAREC for the applicant as a 68C who held a registered nurse license rather than a required LPN license. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted to change the RE code will change to 1.

e. Rationale for Decision:

(1) The Board determined the applicant's narrative reason for discharge was improper because the Enlisted Personnel Proponent Division erroneously approved an Army Civilian Acquired Skills Program (ACASP) request from USAREC for the applicant as a 68C who held a registered nurse license rather than a required LPN license. IAW AR 50-68, MOS 68C must hold an LPN certification in order to be considered MOS qualified. Due to no fault of the applicant, the applicant's registered nurse license could not be used as a substitute because it exceeds the scope of duties authorized for an enlisted Soldier. Therefore, the Board noted it was an erroneous enlistment rather than a fraudulent entry, and the narrative reason should be changed. The Board voted to grant relief and changed the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted to change the reentry eligibility code to RE-1.

(2) The Board voted to change the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF.

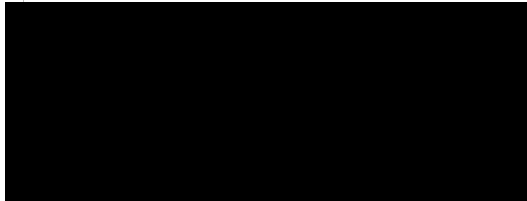
(3) The Board voted to change the RE code to RE-1.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: No Change
- c. Change Reason / SPD code to: Secretarial Authority/JFF
- d. Change RE Code to: RE-1
- e. Change Authority to: AR 635-200

Authenticating Official:

8/28/2025



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
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs