



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No: 5651-21
Ref: Signature date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER █, USN
█

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting that his date of birth on his Certificates of Release or Discharge from Active Duty (DD Forms 214) be changed. Enclosures (1) and (2) apply.

2. The Board, consisting of █ █ █ █ and █ █ reviewed Petitioner's allegations of error and injustice on 25 October 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 13 January 1955. At the time of his enlistment he indicated his date of birth as █. He was honorably discharged from active duty on 19 December 1958, at the expiration of term of active obligated service.

d. Petitioner's record contains a DD Form 214 (23 Jan 55 – 19 Dec 58). The DD Form 214 indicates his date of birth as █.

[REDACTED]

e. Petitioner provided a State of [REDACTED] Certificate of Birth issued on 13 February 1989, which indicates his date of birth as [REDACTED] and a U.S. Passport issued on 17 February 2017, also indicating his date of birth as [REDACTED].

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner has provided legal evidence which reflects his correct date of birth.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

RECOMMENDATION:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) to indicate his date of birth as [REDACTED] for the DD Form 214 contained in his record.

That a copy of this Report of Proceedings be filed in Petitioner's Naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

11/2/2021

[REDACTED]

Executive Director
[REDACTED]