



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

[REDACTED]
Docket No: 2248-22

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED],
USN, XXX-XX-[REDACTED] [NOW XXX-XX-[REDACTED]]

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures
(2) Case Summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his Certificate of Release or Discharge (DD Form 214) be corrected to reflect his new social security number issued by the Social Security Administration. Enclosures (1) and (2) apply.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 March 2022, 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, applicable statutes, regulations, and policies, to include reference (b).
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 Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the application on its merits.
 - c. Petitioner enlisted and began a period of active duty on 2 October 2002. He was honorably discharged on 1 October 2006 upon the completion of his required active service. For the duration of that period of service, his government issued social security number (SSN) was [REDACTED].

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d. On 13 March 2007, Petitioner received a letter from the Department of the Treasury, Internal Revenue Service, notifying him that his SSN might have been assigned to more than one person. Based on this correspondence, he believed his in-service SSN had been issued twice to him and another person, with the issue not identified until after his discharge. He sought assistance from his Congressman in resolving ongoing problems with his SSN and, on 10 August 2010, the United States Social Security Administration (SSA) issued Petitioner a new SSN of [REDACTED].

e. With the assistance of a Veteran Services Officer, Petitioner attempted unsuccessfully to correct his records to reflect his new SSN through the Department of Veterans Affairs (DVA) in May of 2014.

f. On 3 December 2014, in a DD Form 149 application for relief, the Board noted that Petitioner had not exhausted all administrative remedies and forwarded his request for correction to Commander, Naval Personnel Command (PERS-312) for final determination, advising Petitioner that he could petition the Board if his request was denied. On 8 December 2014, PERS-312 denied Petitioner's request on the basis that the SSN recorded in his DD Form 214 was correct at the time it was issued and directed him to the Board should he desired to appeal that decision.

g. Following PERS-312's denial, Petitioner again applied to the Board; however, on 13 October 2015, the Board again forwarded his request to PERS-213 on the basis that he had failed to exhaust administrative remedies.

h. In furtherance of his efforts to resolve the continuing difficulties encountered by his former SSN, Petitioner obtained a Report of Confidential Social Security Benefit Information (Form SSA-2458), issued 19 January 2016, which identified the assignment of his new SSN and the reason for that action, specifically due to fraudulent activity with the prior number.

i. Petitioner submits evidence documenting the official change of his SSN and the reason for that change. He contends that it is an injustice that he continues to suffer from the scope of fraudulent activity (unpaid bills, loans, etc.) associated with his former SSN. He attests that he has spent years trying to correct it, but that it has resulted in ongoing problems for him, to include interfering with his efforts to secure a mortgage and purchase a home, because the SSN on his DD Form 214 still reflects the previous SSN associated with the fraud.

CONCLUSION:

Upon review and consideration of all the evidence of record and following a review of Petitioner's application under the guidance provided in references (b), the Board concluded that the Petitioner's request warrants favorable action in the form of relief.

Although the Board found that Petitioner's SSN was correct at the time of his discharge, the Board noted the considerable efforts Petitioner has pursued to remedy the fraud committed against him. The Board further observed that other Federal agencies have encountered confusion as a result of the fraud associated with Petitioner's previous SSN and that the SSA officially

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changed Petitioner's SSN due to the severity of the fraud. As a result, the Board found sufficient evidence to establish that the continued association between Petitioner's identity in his discharge and the compromised SSN constitutes an injustice and determine that his request warrants relief.

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 Certificate of Release or Discharge from Active Duty (DD Form 215) indicating his "Social Security Number" in block 3 of his DD Form 214, which previously read "[REDACTED]" is now "[REDACTED]."

That no further changes be made to Petitioner's record.

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.

4/7/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]