



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

█
Docket No: 6774-22

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █
XXX XX █ USMC

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

Encl: (1) DD Form 149 w/ enclosures

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 the surname in his discharge records be corrected to reflect his correct last name. Enclosure (1) applies.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 14 October 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. 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 case on its merits.

b. On 6 May 1963, the █ issued birth certificate no. █ for █ born █ to father █ and mother █. At the time of his enlistment, he presented a copy of this birth certificate in addition to copies of his Social Security Number, issued to █ and his high school diploma, awarded in June of 1978 to █. Petitioner's application for enlistment, signed 26 October 1978, likewise identifies him as █

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c. Petitioner enlisted on 27 October 1978 under the name [REDACTED] and began a period of active duty on 18 December 1978. He was honorably discharged on 7 February 1979, at which time he was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) in which he was identified as [REDACTED] with a date of birth of [REDACTED].

d. Petitioner contends that his correct surname, as reflected in his official birth certificate is [REDACTED] but that his record of discharge erroneously reads [REDACTED]. He further alleges that this discrepancy between his military service records and his various veteran services records causes difficulties with his receipt of veteran benefits. In support of his request, Petitioner submitted a copy of his Certificate of Life Birth, [REDACTED], issued by the [REDACTED] on 1 July 2022 in which he is identified as [REDACTED] born on [REDACTED] to [REDACTED] and [REDACTED].

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that the Petitioner's request warrants favorable action. The Board reviewed his application under the guidance provided in the reference.

In this regard, the Board noted the inconsistent recording of Petitioner's surname in the records which he submitted at the time of his application. Upon a review of all available records, including the most recent copy of Petitioner's birth certificate as issued by the [REDACTED] the Board concluded that the surname in the previously issued birth certificate, which appears to have been relied upon in issuing Petitioner's DD Form 214 under the name [REDACTED] has been officially acknowledged by the issuing authority as erroneous. This error existed at the time Petitioner enlisted, although a majority his other military entrance records as well as his federally-issued Social Security Card reflect his correct surname. Accordingly, the Board determined that Petitioner's application merits the requested relief.

In view of the foregoing, the Board finds the existence of an error warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a Correction to DD Form 214 MC Report of Separation from Active Duty (DD Form 215) indicating in block 1 that his last name, fist name, middle name is [REDACTED]

That documentation of this correction be filed in his record alongside his previously issued DD Form 214 MC.

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

A copy of this report of proceedings be filed in Petitioner's naval record.

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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.

11/5/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]