



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

[REDACTED]  
Docket No. 6959-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] [REDACTED] [REDACTED], USMC (RET)  
XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. § 1552

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 a change to his discharge record to reflect his correct date of birth.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 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.

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. Petitioner executed his oath and acceptance on 31 March 1944. At that time, his last name was identified as "[REDACTED]" and his date of birth was identified as [REDACTED], however, on 12 January 1944, the Circuit Court of [REDACTED], [REDACTED] had ordered a change to Petitioner's last name from "[REDACTED]" to "[REDACTED]" which was reflected on his records following an administrative change by the Marine Corps. This court order likewise identified Petitioner's date of birth as [REDACTED]. Notably, Petitioner's official military personnel file (OMPF) does not contain a copy of his state-issued birth certificate.

c. Petitioner's records reflect a Report of Separation upon his discharge into the Marine Corps Reserve on 18 October 1946, as his discharge occurred prior to the issuance of the Certificate of Release or Discharge from Active Duty (DD Form 214). He was subsequently recalled to active duty service in September 1950. During this period of active service, on 24 April 1952, Petitioner applied for a regular commission via a letter in which he again indicated

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that his date of birth was [REDACTED], subsequently, however, on 23 October 1953, the State of [REDACTED] Department of Health issued him a notarized birth certificate identifying that "[REDACTED]" was born on "[REDACTED]." In spite of this official document identifying the error in Petitioner's date of birth, his DD Form 214 issued on 22 June 1955 incident to his release to inactive duty identified his date of birth in block 10 as "[REDACTED]."

d. Petitioner continued to serve as a Marine Corps Reserve officer until his transfer to the retired reserve on 30 July 1974. During his reserve service, his Master Control Card maintained by Headquarters Marine Corps for tracking his retirement points identified his date of birth as [REDACTED]. Likewise, his page 1, "Miscellaneous Information," a document which reflects that it was officially audited for administrative corrections, contains a pen change for his day of birth from "[REDACTED]" to "[REDACTED]."

e. In support of his contentions, Petitioner submitted a copy of his state issued birth certificate, effective as of 23 October 1953, identifying his correct date of birth as [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 references.

In this regard, the Board noted that Petitioner provided evidence of an official state vital record identifying his correct date of birth, which was issued prior to Petitioner's DD Form 214. The Board observed that Petitioner's OMPF contains evidence of corrections to his service record to remedy the error in his date of birth, although there is no evidence that a correction was issued to his DD Form 214. Accounting for the absence of an available birth certificate record at the time of Petitioner's entry onto active duty and his date of birth nearly 99 years ago, the Board reasonably concluded that Petitioner erroneously believed his date of birth to be [REDACTED] until discovering the error upon his application for a birth certificate reflecting his change of name. Therefore, in light of this error, the Board determined that it is in the interest of justice to grant relief.

## RECOMMENDATION

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

That Petitioner be issued a Correction to DD Form 214 (DD Form 215) indicating the "Day" of "[REDACTED]" in block 10, "Date of Birth."

That action on this request be expedited due to Petitioner's advanced age.

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

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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.

10/7/2022

X [REDACTED]

[REDACTED]  
Deputy Director

Signed by: [REDACTED]