



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

█
Docket No. 6960-22
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 [CURRENTLY █]

Ref: (a) 10 U.S.C. 1552
(b) USECDEF Memo (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 Jul 18

Encl: (1) DD Form 149
(2) Naval record (excerpts)

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 name and date of birth be corrected on his Report of Separation from Active Duty (DD Form 214). Enclosure (2) applies.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 24 October 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered █ 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 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 enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner completed an honorable period of active service in Navy from 14 March 1974 to 13 September 1978.

d. Upon his discharge, Petitioner was issued a Report of Separation from Active Duty (DD Form 214) with his name reflected as █, and a date of birth reflecting as █.

e. On 16 January 1997, Petitioner received a copy of State of █ order # █ authorizing a change to his name from █ to █.

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f. On 12 January 2011, Petitioner received a copy of State of [REDACTED] # [REDACTED]
[REDACTED] with his date of birth reflecting as [REDACTED].

g. On 1 April 2021, Petitioner received US Passport [REDACTED] with his name reflecting as
[REDACTED], and date of birth reflecting as [REDACTED].

h. Petitioner is requesting for these changes be made as they are required to join many volunteer organizations and to apply for VA Benefits.

CONCLUSION:

Upon review and consideration of all the evidence of record, especially in light of reference (b), the Board concludes that Petitioner's request warrants relief.

While the Board determined that no error exists with Petitioner's name on his DD Form 214 since his legal name at the time of his discharge is accurately reflected, the Board determined it was in the interests of justice to allow this change as a matter of injustice based on the unique circumstances of his case as an exception to policy.

Additionally, the Board determined that Petitioner's DD Form 214 contains an administrative error involving Petitioner's date of birth that requires correction.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action: Petitioner be issued a Correction to Report of Separation from the Armed Forces of the United States (DD Form 215) which reflects the name [REDACTED] and date of birth reflecting as [REDACTED].

No further changes are required.

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.

11/18/2022

[REDACTED]