



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

█
Docket No: 7197-22

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █
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 his date of birth (DOB) in his Certificate of Discharge or Release from Active Duty (DD Form 214) be corrected. Enclosure (1) applies.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error on 18 November 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 facts of record pertaining to Petitioner's allegation of error, 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. Petitioner enlisted in the Marine Corps with an enlistment contract which reflects his DOB as "█" and began active duty on 26 July 1968. His DOB is additionally documented within his Official Military Personnel Record (OMPF) as follows:

(1) Certificate of Clearance issued 13 November 1969: █

(2) Master Record Visual Audit of 2 January 1971: █

(3) Personnel Record Audit of 1 December 1971: █

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(4) DD Form 214 of 25 July 1971: [REDACTED]

c. Petitioner contends that his correct year of birth (YOB) is [REDACTED], that the year of [REDACTED] recorded in his DD Form 214 is erroneous, and that his DD Form 214 should be corrected to reflect the correct date as evidenced on his Birth Certificate issued by the state of [REDACTED]

CONCLUSION:

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

In this regard, the Board noted that Petitioner appears to have provided an incorrect YOB at the time of his application to enlist, and that this error was carried throughout his period of service and into his DD Form 214. However, Petitioner's OMPF did not contain any records documenting his identity at the time of his enlistment. Additionally, the Board observed that Petitioner's correct YOB was identified and entered into his Certificate of Clearance, which presumptively accessed official identification records in the process of completing his security investigation. Had the discrepancy between this YOB and his enlistment YOB been identified during the course of either of his record audits, the erroneous YOB entered in his records could have been caught and corrected prior to issuing his discharge. Accordingly, the Board determined that year of "[REDACTED]" entered into Petitioner's DD Form 214 constituted an error at the time it was issued and should be corrected.

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 Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending on 25 July 1971, indicating a date of birth of [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

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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.

12/12/2022

