



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

██████████
Docket No: 8160-22

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 correction of his date of birth (DOB) recorded in his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice 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 the references.

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. Petitioner enlisted in the Marine Corps on 14 November 1978. His entrance records reflect the following DOB entries:

- (1) Application for enlistment – ██████████
- (2) Enlistment contract – ██████████
- (3) Report of medical exam – ██████████ (handwritten).

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c. Petitioner served an initial period of active duty from 8 June 1979 through 30 August 1979, receiving an Honorable discharge upon his release from initial tour of active duty training for which he was issued a DD Form 214. Consistent with his enlistment records, his discharge record identified his DOB as “[REDACTED].” Petitioner served two additional periods of active duty from 10 October 1982 through 25 February 1983 and from 27 February 1983 through 31 May 1983. At the conclusion of each period, he was honorably discharged following his completion of active obligated service and issued two DD Form 214s, which also identify his DOB as “[REDACTED].”

d. Petitioner applied for reenlistment on 25 May 1983. In his application for reenlistment, his date of birth is entered as “[REDACTED]” – this application is the only time his Official Military Personnel Record reflects the [REDACTED] rather than the [REDACTED]. His enlistment contract for this period of service indicates a DOB of “[REDACTED]” and his final DD Form 214 likewise identified his DOB as “[REDACTED].”

e. Petitioner contends his correct DOB is [REDACTED] and that the date entered into his DD Form 214 was an error. In support of his contentions, he provided a [REDACTED] state driver’s license issued on 18 October 2022 reflecting a DOB of “[REDACTED]” and a [REDACTED] certificate of birth issued, on or after 16 May 2022, specifying a DOB of “[REDACTED].” However, the birth certificate contains an annotation indicating that the date of birth was “amended” by subsequent records. He requests the correction because he states that the inconsistent DOB on his various records and identification has affected his veteran benefits.

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 DOB at the time of his initial enlistment which remained unchanged throughout this first three periods of active duty. The Board also observed that, although his application for reenlistment in 1983 contained the same DOB reflected by his driver’s license and birth certificate, he did not pursue correcting his DOB during his final period of enlistment or at the time of his final discharge. Although the Board found that the use of [REDACTED] as his DOB in his DD Form 214 was not entered due to error on the part of the service, the Board concluded that the inconsistent DOBs between Petitioner’s correct identification records and his Marine Corps discharge records merits correction because the error could have been corrected prior to his discharge and because of the problems it poses with his ability to confirm his identity as the veteran whose service is documented in his DD Form 214. Accordingly, the Board determined that it is in the interest of justice to grant the requested relief.

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

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RECOMMENDATION:

That Petitioner be issued a Change to Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 7 November 1986, reflecting at date of "[REDACTED]" in block 5, Date of Birth.

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.

12/16/2022

[REDACTED]