

IN THE CASE OF:

BOARD DATE: 16 SEPTEMBER 2008

DOCKET NUMBER: AR20080001322

THE BOARD CONSIDERED THE FOLLOWING EVIDENCE:

1. Application for correction of military records (with supporting documents provided, if any).
2. Military Personnel Records and advisory opinions (if any).

THE APPLICANT'S REQUEST, STATEMENT, AND EVIDENCE:

1. The applicant requests correction of his Social Security Number (SSN) from "xxx-xx-██████" to "xxx-xx-██████," and his Service Number from "██████" to "██████."
2. The applicant states that his Service Number on his military records, including his enlistment contract show the correct number; however, his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows the wrong Service Number and SSN.
3. The applicant provides the following additional documentary evidence in support of his application:
 - a. A copy of his Social Security Card.
 - b. DD Form 214, dated 9 August 1968.
 - c. Standard Form 88 (Report of Medical Examination), dated 9 August 1968.
 - d. DD Form 4 (Enlistment Record-Armed Forces of the United states), dated 26 October 1965.
 - e. Letter Orders Number 03-1055067, dated 9 March 1973.

CONSIDERATION OF EVIDENCE:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the Army Board for Correction of Military Records (ABCMR) to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so. While it appears the applicant did not file within the time frame provided in the statute of limitations, the ABCMR has elected to conduct a substantive review of this case and, only to the extent relief, if any, is granted, has determined it is in the interest of justice to excuse the applicant's failure to timely file. In all other respects, there are insufficient bases to waive the statute of limitations for timely filing.
2. The applicant's records show he enlisted in the Regular Army for a period of 3 years on 26 October 1965. His military service records contain a DD Form 4, dated 26 October 1965 that shows his Service Number as "██████". This form does not show the applicant's SSN.
3. Armed Forces Examining and Entrance Station (AFEES), Montgomery, Alabama, Special Orders Number 84, dated 26 October 1965, show the applicant was ordered assigned to the U.S. Army Reception Station, Fort Benning, Georgia. The applicant's Service Number is shown as "██████."
4. On 29 October 1965, the applicant completed a DD Form 98 (Armed Forces Security Questionnaire), using his Service Number "██████". He did not use his SSN.
5. The applicant's DA Form 20 (Enlisted Qualification Record), dated 29 October 1965 and audited on

13 July 1967, shows the applicant's SSN as "[REDACTED]." The applicant authenticated this form by placing his signature in Item 47 (Signature of Individual).

6. The applicant's military service records further show that he was awarded military occupational specialty (MOS) 12B (Combat Engineer). He also served in the Republic of Vietnam from 13 August 1967 to 12 August 1968.

7. On 1 March 1968, during the applicant's service in the Republic of Vietnam, Headquarters, 1783rd Airborne Brigade (Separate) published Special Orders Number 61 announcing the applicant's appointment/promotion to the temporary grade of sergeant (SGT)/E-5. The Orders show his SSN as "xx-xx-[REDACTED]" and his Service Number as "[REDACTED]."

8. On 9 August 1968, the applicant completed a DD Form 1407 (Dependent Medical Care and DD Form 1173 Statement). He wrote his SSN as "xxx-xx-[REDACTED]" and his Service Number as "[REDACTED]." He authenticated this form by placing his signature in Item 7 (Signature of Separatee).

9. On 9 August 1968, Headquarters, U.S. Personnel Center, Fort Lewis, Washington, published Special Orders Number 222, releasing the applicant from active duty and reassigning him to the U.S. Army Reserve (USAR) Control Group (Reinforcement), effective 9 August 1968. The Orders show the applicant's SSN as "xx-xx-[REDACTED]" and his Service Number as "[REDACTED]."

10. Item 2 (Service Number) of the applicant's DD Form 214 shows the entry "[REDACTED]" and Item 3 (Social security Number) shows the entry "xxx-xx-[REDACTED]." The applicant authenticated this form by placing his signature in Item 32 (Signature of Person Being Transferred or Discharged).

11. On 9 March 1973, the Office of The Adjutant General, U.S. Army Reserve Components Personnel and Administration Center (USARCPAC), St. Louis, Missouri, published Letter Orders Number 03-1055067, discharging the applicant from the USAR Control Group, effective 1 March 1973. The Orders show the applicant's SSN as "xx-xx-[REDACTED]."

12. On 22 July 2008, U.S. Army Human Resources Command, St. Louis, Missouri, published Orders Number 03-1055067A01, amending Letter Orders Number 03-1055067, issued by the Office of The Adjutant General, USARCPAC, St. Louis, Missouri, on 9 March 1973, to show the applicant's SSN as "xxx-xx-[REDACTED]" instead of "xxx-xx-[REDACTED]."

13. The applicant submitted a copy of his Social Security Card, which shows his SSN as "xx-xx-[REDACTED]."

14. Army Regulation 635-5 (Personnel Separations) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for the preparation of the DD Form 214. In pertinent part it states that the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement or discharge.

DISCUSSION AND CONCLUSIONS:

1. The applicant contends that his Social Security Number and Service Number recorded in his military service records should be corrected.

2. With respect to the applicant's Service Number, the applicant's records throughout his entire military service show his Service Number as "[REDACTED]." It is unclear why his DD Form 214 shows "[REDACTED]." Nevertheless, it appears that the entry is incorrect and the applicant is entitled to correction of his records to show "[REDACTED]" as his correct Service Number.

3. With respect to the applicant's SSN, it appears that throughout his military service, the applicant consistently indicated and certified that his SSN was "xx-xx-[REDACTED]." His DA Form 20 that was created upon his entrance into the Army confirms that at the time, he was assigned a SSN that contained the number 5 in the seventh digit. Most of his military documents show the number 5 as the seventh digit of his SSN, to include his DD Form 214.

4. For historical purposes, the U.S. Army has an interest in maintaining the accuracy of its records. In this regard, the information contained therein should reflect the conditions and circumstances that existed at the time the records were created and under which the military service was performed. Therefore, lacking convincing independent and verifiable evidence to the contrary, it is presumed that the applicant's military service records, including the DD Forms 214 issued on 9 August 1968 was correct at the time and there is an insufficient evidentiary basis for changing his military service records at this time.

BOARD VOTE:

_____	_____	_____	GRANT FULL RELIEF
__XXX__	__XXX__	__XXX__	GRANT PARTIAL RELIEF
_____	_____	_____	GRANT FORMAL HEARING
_____	_____	_____	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined that the evidence presented was sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by deleting the entry "[REDACTED]" from the applicant's DD Form 214, dated 9 August 1968 and replacing it with the entry "[REDACTED]."
2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to the applicant's Social Security Number.

XXX
CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

ABCMR Record of Proceedings (cont)

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ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

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ABCMR Record of Proceedings (cont)

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ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

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