

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 June 2018

DOCKET NUMBER: AR20160007576

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
[REDACTED]	[REDACTED]	[REDACTED]	DENY APPLICATION

2 Enclosures

1. Board Determination/Recommendation
2. Evidence and Consideration

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IN THE CASE OF: [REDACTED]

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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 military service records to show his correct first name.
2. The applicant states his first name is [REDACTED]. However, his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows his first name as [REDACTED].
3. The applicant provides copies of his DD Form 214, social security card, and driver's license.

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.

Enclosure 2

2. A DD Form 47 (Record of Induction) shows the applicant was inducted into the U.S. Army on 21 October 1965. Item 1 (Last Name–First Name–Middle Name) shows the entry, [REDACTED]

3. An Acknowledgement of Service Obligation – Statement (6-Year Acknowledgment) shows, "I, [REDACTED] having been inducted into the Army of the United States on this '21' day of 'October', 1965, for 2 years' active duty...." The "Typed Name and Service Number" block, in pertinent part, shows the entry, [REDACTED] It also shows the applicant signed the form using that name as his signature.

4. A DD Form 398 (Statement of Personal History), completed by the applicant on 29 October 1965, shows he entered in –

- item 1 (First Name–Middle Name–Last Name), [REDACTED]
- item 5 (Date of Birth [DOB]), [REDACTED]
- Social Security Number (SSN), [REDACTED]

5. A DA Form 20 (Enlisted Qualification Record) shows in item 1 (Name and Service Number), [REDACTED] and the SSN [REDACTED] It also shows in item 6 (DOB) the entry, [REDACTED] The applicant reviewed the form and signed using the name (as shown in item 1) as his signature.

6. A DD Form 214 shows the applicant entered active duty on 21 October 1965, was honorably released from active duty on 20 October 1967, and transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training). It also shows in –

- item 1 (Last Name–First Name–Middle Name) the entry, [REDACTED]
- item 3 (SSN): [REDACTED]
- item 9 (DOB): [REDACTED]
- item 32 (Signature of Person Being Transferred or Discharged), the applicant signed the form using the above name as his signature

7. Office of The Adjutant General, USAR Components Personnel and Administration Center, St. Louis, MO, Letter Orders Number 10-1225928, dated 6 October 1971, honorably discharged the applicant from the USAR effective 20 October 1971. The orders show his name as [REDACTED] and his SSN as [REDACTED]

8. A thorough review of the applicant's military personnel records revealed his name was consistently recorded as [REDACTED]. It also shows his SSN [REDACTED] and DOB [REDACTED] were consistently recorded in his military records.

9. On 18 June 1987, the applicant submitted a letter to the Department of the Army requesting a copy of his DD Form 214. The letter shows his name as [REDACTED] and SSN as [REDACTED]. It also shows the applicant signed the letter using that name as his signature.

10. In support of the application the applicant provides copies of the following documents.

a. A social security card and printout (dated 21 July 1997) that show the SSN [REDACTED] was issued to [REDACTED] and the applicant signed the card with that name. The printout also shows "DOB: [REDACTED]"

b. Virginia driver's license that shows the driver's license was issued to [REDACTED] on 11 March 2006. It also shows "DOB: [REDACTED]" and that the driver's license expired in [REDACTED]

REFERENCES:

Army Regulation 635-5 (Personnel Separations - Separation Documents), in effect at the time of the applicant's separation from active duty, prescribed policies and procedures regarding separation documents. It also established standardized policy for preparing and distributing the DD Form 214.

a. The purpose of a separation document is to provide the individual with documentary evidence of their military service at the time of separation. Therefore, it is important the information entered thereon is complete and accurate as of that date.

b. Section III (Instructions for Preparation and Distribution of the Armed Forces of the United States Report of Transfer or Discharge) contains guidance on the preparation of the DD Form 214. It states, in pertinent part, that all available records will be used as a basis for the preparation of the DD Form 214, including the Enlisted Qualification Record, Officer Qualification Record, and orders. The instructions show for item 1, enter the last name, first name, and full middle name, if any.

DISCUSSION:

1. The evidence of record shows that upon induction into the U.S. Army, based on the applicant's certification, his name was recorded in his military records as [REDACTED]
2. The applicant's military service records clearly show that name and that he signed numerous documents using the name. In addition, the applicant's name was consistently recorded in his official military service records as [REDACTED] including on his DD Form 214 when he was released from active duty and on his orders when he was discharged from the USAR.
3. It is noted that the applicant provided documentary evidence that not only shows a different first name than that recorded in his military records, but also a different DOB than that recorded in his military records.
4. The Army has an interest in maintaining the integrity of its records for historical purposes. The data and information contained in those records should reflect the conditions and circumstances that existed at the time the records were created. In the absence of a showing of material error or injustice, there is a reluctance to recommend that those records be changed.
5. A copy of this decisional document will be filed in the applicant's military records. This should serve to point out issues regarding the difference in the first name and the DOB on the documents submitted and the first name and the DOB under which he served.

//NOTHING FOLLOWS//