

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 July 2023

DOCKET NUMBER: AR20220011905

APPLICANT REQUESTS: correction to his military service record to reflect his first name to read "Lo" vice "Lu."

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Photocopy of his U.S. Passport, Veterans Affairs (VA) Medical Card, and Social Security Card

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states, in pertinent part, that his birth name has always been "Lo", but while serving it was incorrectly listed as "Lu." He was unaware that the spelling difference would cause issues until he recently attempted to go to the VA for medical care.

3. A review of the applicant's available service record reflects the following:

a. On 15 September 1976, he enlisted in the U.S. Army Reserve under the first name of "Lu."

b. On 25 October 1979, he enlisted in the Regular Army under the first name "Lu."

c. DA Form 2-1 (Personnel Qualification Record – Part II) Section 1 (Identification Data), Item 1 (Name) reflects the first name "Lu."

d. DD Form 214 (Certificate of Release or Discharge from Active Duty) ending 10 October 1980 reflects an honorable discharge with severance pay. Item 1 (Name (last, first, middle)) reflects the first name "Lu."

4. The applicant provides a photocopy of his U.S. Passport, VA Medical card, and Social Security Card reflecting his first name as "Lo."

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board considered the Army's interest in the preservation of the record. However, in this case, the Board agreed that the applicant met the burden of proof and found sufficient evidence of an administrative error to warrant a recommendation for relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is 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 issuing him a DD215 (Correction of DD Form 214) showing in block 5 his name as:

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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.

REFERENCES:

1. Title 10, USC, 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 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.

2. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribes policies and procedures for the completion of the DD Form 214. Source documents include the DA Form 2-1, DA Form 201 (Military Personnel Records Jacket), DD Form 4, as well as orders. The name to be shown on the DD Form 214 is taken from these source documents.

//NOTHING FOLLOWS//