

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]  
[REDACTED]

BOARD DATE: 20 October 2023

DOCKET NUMBER: AR20230002924

APPLICANT REQUESTS: Correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show the spelling of her first name as [REDACTED] in lieu of [REDACTED] as currently listed on her DD Form 214.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Certificate of Birth from the Bureau of Vital Statistics, City of Newark, New Jersey

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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 her first name is spelled incorrectly on her DD Form 214. When she joined the military, she spelled her first name as [REDACTED], but her DD Form 214 shows her first name as [REDACTED]. Her birth certificate lists her first name as [REDACTED] she would like her DD Form 214 to show her first name as it is listed on her Certificate of Birth.
3. The applicant enlisted in the Regular Army on 9 September 1979. The DD Form 4/1 (Enlistment Contract) and all other documents in her service record show her first name as [REDACTED].
4. On 24 December 1975, the applicant was honorably discharged from active duty. She completed 3 years and 1 month of active service. The DD Form 214 for this period of active service shows her first name as [REDACTED].
5. The applicant provides a Certificate of Birth from the Bureau of Vital Statistics, City of Newark, New Jersey reflecting the requested first name.

6. Army Regulation (AR) 635-5 (Separation Documents) provides that the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of 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 and agreed that documentation available for review consistently shows the requested name with the exception of the DD214. The Board also noted that of the documentation available for review to include a birth certificate and enlistment document, the DD214 is the sole documentation reflecting the contested name. After due consideration of the request, the Board determined the evidence presented sufficient 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 a DD215 (Correction of DD Form 215) to show in Block 5:

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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, 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 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 (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.
3. AR 635-5 provides that the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation. Item 1 states enter name in order shown on DD Form 214, using all capital letters, and including abbreviation for junior, senior, second, when appropriate.

//NOTHING FOLLOWS//