

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 March 2024

DOCKET NUMBER: AR20230002996

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 4 August 1983, to reflect in item 1 (Name (Last, First, Middle)) his original birth middle name as Canadyan vice Charles.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Driver License issued by the State of New York
- United States of America Passport

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 he would like for his middle name of Charles to be changed back to his birth name of Canadyan on his DD Form 214, for the period ending 4 August 1983.
3. The applicant provides:
 - a. A copy of his driver's license that was issued by the State of New York on 24 May 2019, which shows his middle name as Canadyan.
 - b. A copy of his United States of America Passport that was issued on 20 September 2022, which shows his middle name as Canadyan.
4. The applicant's DD Form 149 lists that he provided a copy of his birth certificate; however, the document was not included in the applicant's submission.
5. On 22 April 2023, the Army Review Boards Agency sent a letter to the applicant requesting for him to provide the agency with a copy of his birth certificate and a

corrected copy of his birth certificate if applicable within 30 days. No documentation has been received from the applicant to date.

6. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 2 August 1976.

b. His DD Form 4 (Enlistment or Reenlistment Agreement – Armed Forces of the United States) shows his middle name in Section I (Identification), Item 1 (Name (Last, First, Middle, Jr, Sr., etc.)) as Canadyan. He authenticated this form with his signature as "Canadyan".

c. DA Form 2-1 (Personnel Qualification Record) Section 1 (Identification Data) Item 1 (Name) shows his middle name as Canadyan.

d. The applicant was honorably discharged on 30 July 1979. His DD Form 214 shows he completed 2 years, 11 months, and 29 days of active service. It also reflects his middle name as Canadyan.

e. He enlisted again in the Regular Army on 5 November 1980, and his DD Form 4, A. (Identification) Item 1 (Name (Last-First-Middle-Jr-Sr-etc.)) shows his middle name as Charles. He authenticated this form with his signature as "Charles."

f. DA Form 2-1 (Personnel Qualification Record) Section 1 (Identification Data) Item 1 (Name) shows his middle name as Charles.

g. He was discharged on 4 August 1983. His DD Form 214 for this period reflects his middle name as Charles.

7. By regulation, for block 1 (Name) of the DD Form 214, compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in block 18 (Remarks).

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. Upon review of the applicant's available military records, a majority of the Board determined there is sufficient evidence to grant full relief. Based on this, the Board granted relief to correct the applicant's middle name as requested. A minority of the Board supported the correction but suggested a remark on the DD Form 214 vice a change to block 1.

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 relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending him middle name to show Canadyan.

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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) 635-8 (Separation Processing and Documents), prescribes policy and procedural guidance relating to transition management; it explains separation document preparation, distribution, and correction. Paragraph 5-6 (Rules for Completing the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides detailed instructions for data required in each block of the DD Form 214. It states for block 1 (Name), compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in block 18 (Remarks).
3. 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. The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created.

//NOTHING FOLLOWS//