ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF:

BOARD DATE: 28 November 2023

DOCKET NUMBER: AR20230004353

<u>APPLICANT REQUESTS:</u> his DD Form 214 (Report of Separation from the Armed Forces of the United States) item 10 date of birth (DOB) to reflect the day as "16" vice "15."

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

- DD Form 149 (Application for Correction of Military Record)
- Certification of Vital Record Certificate of Birth, 16 July 1932
- DD Form 214, 23 July 1953

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 his DOB "day" is wrong. It should be 16 J__ XXXX vice 15 J__ XXXX.

3. The applicant's military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed that his records were lost or destroyed in that fire. This case is being considered based on the documents he provided.

4. His DD Form 214 shows:

- He enlisted in the Regular Army on 24 July 1950
- He was honorably released from active duty on 23 July 1953
- DOB reflects 15 J__XX

5. The applicant provided his certification of birth showing his DOB as 16 J___19XX.

6. By regulation, Special Regulation 615-360-1 (Enlisted Personnel Discharge Procedures and Preparation of Separation Forms), in effect at the time, provided an outline of procedures to be followed in effecting discharge of enlisted personnel and described the proper method of executing and disposing of the various forms, records, and reports required.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence show he used the contested date of birth during his service. There isn't at least one document in his available service record to corroborate the use of the requested date of birth during his service. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. There is no evidence the applicant used the requested date of birth during his military service. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created, unless there is sufficient evidence that shows a material error or injustice.

2. This Record of Proceedings, will be filed in his military record in order to provide clarity and to deal with any confusion that might arise regarding the difference in his date of birth. Filing the Board's decisional document will also guarantee the historical accuracy of the applicant's military record regarding the date of birth under which he served.

ABCMR Record of Proceedings (cont)

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BOARD VOTE:

Mbr 1	Mbr 2	Mbr 3	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
			DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.



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. Special Regulation 615-360-1 (Enlisted Personnel Discharge Procedures and Preparation of Separation Forms), in effect at the time, provided an outline of procedures to be followed in effecting discharge of enlisted personnel and described the proper method of executing and disposing of the various forms, records, and reports

ABCMR Record of Proceedings (cont)

required. The regulation provides that the entries for items 1 (Last Name-First Name-Middle Name) and 10 (Date of Birth) of the DD Form 214 are self-explanatory.

3. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge.

//NOTHING FOLLOWS//