

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 October 2023

DOCKET NUMBER: AR20230004557

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 8 October 1982, item 1 (Name) to reflect her last name as her maiden name of E [REDACTED] vice G [REDACTED].

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Birth
- DD Form 214, 8 October 1982
- State of Georgia Divorce Decree, dated January 1984
- Navajo Nation Certificate
- New Mexico Driver's License
- Social Security Card
- Navajo Nation Voter Registration Card

FACTS:

1. The applicant did not file within the three year time frame provided in Title 10, United States Code (USC), section 1552 (b); however, the Army Board for Correction of Military Records 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 effect, she would like her last name to be changed to her maiden name. She divorced after her separation from the military and wants to revert her last name back to her maiden name of E [REDACTED].

3. The applicant provides the following documents:

a. Her Certificate of Birth, which reflects her last name as E [REDACTED] dated [REDACTED]

b. State of Georgia divorce decree, dated January 1984, reflects her married name as G [REDACTED], her husband's last name. The date of this document is after her release from active duty service.

c. She provides several other legal documents which reflects her last name as E [REDACTED], her maiden name.

4. A review of the applicant's service records shows:

a. On 9 October 1979, she enlisted in the Regular Army.

b. On 8 October 1982, the applicant was honorably released from active duty due to the completion of her required service. Item 1 (Name) reflects her last name as her married name of G [REDACTED]. She completed 3 years of net active duty service.

c. Her service record does not contain her marriage certificate.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records and regulatory guidance. The Board noted the applicant's stated reason for the request. As the applicant used the contested name throughout her period of service, her DD214 correctly reflects the conditions and conditions at the time of that service. In the absence of showing an error or injustice, the Board found no basis upon which to grant relief.

2. For historical purposes, the Army has an interest in maintaining the integrity of its records. 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.

3. The applicant is advised that a copy of this decisional document will be filed in his official military personnel file. This should serve to clarify any questions or confusion in regard to the difference in his name recorded in his military record and the name currently being used by the applicant.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined 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.

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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 three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

4. Army Regulation 635-5 (Personnel Separations - Separation Documents) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. The name on the DD Form 214, item 1 is listed as the name at the time of separation.

//NOTHING FOLLOWS//