

IN THE CASE OF: ██████████

BOARD DATE: 21 December 2023

DOCKET NUMBER: AR20230004590

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect his first name as ██████████ in lieu of ██████████.

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

- DD Form 149 (Application for Correction of Military Record)
- two self-authored statements
- DD Form 214
- birth certificate
- driver's license
- Department of Veterans Affairs (VA) Healthcare Card

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 DD Form 214 has the incorrect name on it. His first name is and has always been ██████████ not ██████████. Because this is incorrect, it creates issues for him. He wants to be buried with military honors in a National Cemetery and his name needs to be updated on his DD Form 214 for this to happen.
3. A DA Form 47 (Record of Induction) shows the applicant was inducted into the Army of the United States on 7 March 1968. His first name is listed on the form as ██████████.
4. An Acknowledgment of Service Obligation, shows the applicant's first name as ██████████ and he signed the form on 7 March 1968, with the first name ██████████.
5. The applicant's DA Form 20 (Enlisted Qualification Record) shows his first name as ██████████.

6. The applicant's DD Form 214 shows the following:

a. He was honorably released from active duty on 6 January 1970, as an overseas returnee and transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training).

b. He was credited with 1 year and 10 months of net active service, to include 1 year of foreign service in Vietnam.

c. His first name is listed on the form as [REDACTED], which is neither his requested name of [REDACTED] nor the name reflected on his other service documents of [REDACTED].

7. There are no documents in the applicant's available service records reflecting his first name as [REDACTED]. The majority of his service documents reflect his first name as [REDACTED], with his DD Form 214 alone reflecting the first name [REDACTED], an apparent typographical error.

8. The applicant provided a copy of his birth certificate, driver's license, and VA Healthcare Card, all of which reflect his first name as [REDACTED].

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found the applicant was inducted and served under the name [REDACTED] and there is no evidence that he used the name [REDACTED] at any point during his period of military service. The Board found insufficient evidence of mitigating factors that would support a recommendation to correct the DD Form 214 to show a name that was not of record at the time the DD Form 214 was completed. The Board determined the DD Form 214 should not be corrected to show the first name [REDACTED].

3. The Board concurred with the correction described in Administrative Note(s) below.

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:

Other than the correction addressed in Administrative Note(s) below, 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 otherwise insufficient as a basis for correction of the records of the individual concerned.

2/27/2024

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CHAIRPERSON  
█

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.

ADMINISTRATIVE NOTE(S): The applicant's DD Form 214 contains a typographical error in the spelling of his name. Correct the DD Form 214 to show the first name recorded on his DA Form 47.

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 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for item 1 (Last Name – First Name – Middle Name) stated to enter the last name, first name, and full middle name or names, if any.

/NOTHING FOLLOWS//