

IN THE CASE OF: ██████████

BOARD DATE: 16 November 2023

DOCKET NUMBER: AR20230005138

APPLICANT REQUESTS: in effect, correction of his records to show his first name as ██████████ instead of ██████████.

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

- DD Form 149 (Application for Correction of Military Record)
- ██████████ Driver License, ██████████
- Social Security Administration 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 he is requesting his first name be changed from ██████████ to ██████████.

3. The applicant provides the following:

a. His ██████████ Driver License dated ██████████, which shows his first name as ██████████.

b. A copy of his social security card dated ██████████, which shows the requested first name, ██████████.

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

a. He enlisted in the Army National Guard (ARNG) of the United States on 11 October 1965. His DD Form 4 (Enlistment Record – Armed Forces of the United States) shows in Block 1 (Name) the contested first name, ██████████ and was authenticated with his signature.

b. Special Orders Number 131, issued by the U.S. Army Personnel Center, Fort Dix, NJ, dated 11 May 1967, which released the applicant from active-duty training and reflects the requested first name, [REDACTED].

c. A DD Form 214 shows he was honorably released from active-duty training on 19 May 1967. He completed 4 months of net active service during this period. It shows in Block 1 (Name), [REDACTED].

d. Unit Orders Number 1, issued by the 42D Supply and Transport Battalion, New York National Guard, Brooklyn, NY, dated 2 January 1969, promoted him to private first class (PFC)/E-3, and reflects the requested first name, [REDACTED].

e. His DA Form 20 (Enlisted Qualification Record) shows the contested first name, [REDACTED], and was authenticated with his signature.

f. Unit Orders Number 9, issued by the 42D Supply and Transportation Battalion, New York Army National Guard, Brooklyn, NY, dated 24 March 1970, ordered the applicant to active duty, and shows the requested first name of [REDACTED].

g. A second DD Form 214 shows he was honorably released from active duty on 30 March 1970 and shows the requested first name, [REDACTED]. He completed 7 days of net service during the covered period.

h. Special Orders Number 20, issued by Headquarters, 42D Supply and Transport Battalion, New York National Guard, Brooklyn, NY, dated 9 June 1970, promoted him to specialist (SP4) and reflects the contested first name, [REDACTED].

i. NGB Form 22 (Report of Separation and Record of Service in the ARNG of New York) shows he was discharged from the National Guard on 10 October 1970 and transferred to the Standby Reserve Control Group. His NGB Form 22 reflects the requested first name, [REDACTED].

j. Special Orders Number 215, issued by the State of New York, Division of Military and Naval Affairs, Albany, NY, dated 6 November 1970, discharged the applicant from the [REDACTED] ARNG and reflects the requested first name, [REDACTED].

k. Orders Number 09-1211651, issued by the U.S. Army Reserve Components Personnel and Administration Center, St. Louis, MO, dated 30 September 1971, honorably discharged him from the U.S. Army Reserve, and shows the contested first name, [REDACTED].

5. By regulation, 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. The information entered thereon reflects the conditions as they existed at the time of separation.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is warranted.

2. The Board noted that separation documents issued over the course of a Soldier’s career should be consistent in how they identify the Soldier. In this case, the Board found one separation document in the applicant’s service record, the DD Form 214 for the period ending 19 May 1967, that shows the contested spelling of his first name. The Board determined that this DD Form 214 should be corrected to show his first name as it is spelled on his social security card.

3. Although the applicant does not raise the matter, the Board found it is also likely he was issued an Honorable Discharge Certificate with the contested spelling of his first name. The Board determined it would also be appropriate to reissue that certificate showing the preferred spelling of his first name.

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 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 his DD Form 214 for the period ending 19 May 1967 to show the spelling of his first name as it is shown on his social security card
- Reissuing an Honorable Discharge Certificate for his period of service ending on 10 October 1971 that shows his first name as it is shown on his social security card

2/16/2024



 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.

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 (Personnel Separations – Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states for Item 1 (Name) enter last name, first name, and full middle name or names, if any.
3. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It states, Block 1 (Name) to compare the original enlistment

contract or appointment order and review the official record for possible name changes. If a name change has occurred, list other names of record in block 18 (Remarks).

//NOTHING FOLLOWS//