

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 December 2023

DOCKET NUMBER: AR20230005167

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from the Armed Forces of the U.S.) to show:

- his requested date of birth (DOB) instead of his contested DOB
- his name requested name instead of his contested name
- his requested place of birth instead of the contested place of birth

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

- DD Form 149 (Application for Correction of Military Record), 13 February 2023
- Birth Certificate
- DD Form 214 (Report of Separation from the Armed Forces of the U.S)

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, name, and place of birth listed on his DD Form 214 need to be corrected. He wants his military headstone to reflect the correct information. He attached a copy of his birth certificate. At the time he was drafted the person entering his information entered it incorrectly on his Form 2809, his DD Form 214, and the GEHA database.
3. The applicant's complete 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 the applicant's records were lost or destroyed in that fire, however, there were sufficient documents remaining in a reconstructed records for the Board to conduct a fair and impartial review of the case.

4. All of the applicant's available military records to include his DD Form 214, reflect the contested information; name, DOB, and place of birth.

7. The applicant provides his birth certificate, showing the requested date and place of birth. However, instead of a full middle name, as reflected in his military records, his certificate of birth includes a middle initial.

8. There is no evidence the applicant used the requested name, DOB, or place of birth during his military service.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a portion of relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board noted that the applicant's record may have been lost or destroyed in the 1973 fire at the National Personnel Records Center. The Board agreed that although the applicant's DD214 and other supporting documents reflect the contested middle name or initial, notwithstanding the assumption of administrative regularity, in fairness to the applicant and to preserve the continuity of his record, a recommendation for partial relief was warranted.

2. The Board further determined that documentation consistently reflects the contested date of birth and in applying the assumption of administrative regularity determined that the burden of proof had not been met and denied that portion of the request.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF

█          █          █          GRANT PARTIAL RELIEF

:            :            :            GRANT FORMAL HEARING

:            :            :            DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by issuing him a DD215 (Correction of DD Form 214) showing in block 5:

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2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to amending:

- date of birth
- place of birth



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 (Separation Documents) in effect at the time (and Army Regulation 635-8 (Separation Processing and Documents)), currently in effect, prescribes policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. Paragraph 5-6 (Rules for completing the DD Form 214) provides detailed instructions for data required in each block of the DD Form 214.

a. For item 1, 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.

b. For item 10 and 11, (previous version of the DD Form 214), verify data accuracy by reviewing original enlistment contract and/or application for appointment. Enter from DA Form 20 as appropriate.

//NOTHING FOLLOWS//