

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 October 2023

DOCKET NUMBER: AR20230005221

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) and his military records to reflect his birth name, [REDACTED]  
[REDACTED]

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- [REDACTED] Certification of Birth
- [REDACTED] Driver License
- Social Security card

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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, in effect, he would like his service records to reflect his birth name. He tried to correct his name prior to being discharged in 1999; however, he did not get a follow-up call, nor did he get any further assistance to correct it.

3. The applicant provides:

a. [REDACTED] Certification of Birth shows his birth name as [REDACTED]  
[REDACTED]

b. [REDACTED] Driver License, issued 5 January 2021, reflects his name as [REDACTED]  
[REDACTED]

c. Social Security card reflects his name as [REDACTED]

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

a. DD Form 1966/4 (Record of Military Processing – Armed Forces of the United States), Section VIII – Statement of Name for Official Military Records, dated 19 March 1996, reflects the applicant submitted the form which states, “I hereby state that I have not changed my name through any court procedure, and, that I prefer to use the name, [REDACTED] by which I am known in the community as a matter of convenience and with not criminal intent. I further state that I am the same person as the person whose name is shown in item2.”

b. He enlisted in the Regular Army on 8 May 1996 for a period of three (3) years.

c. DD Form 214 that shows in item 1 (Name – last, first, middle) as [REDACTED] It also shows he was honorably released from active duty and transferred to the U.S. Army Reserve Control Group on 30 August 1999, under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), chapter 4, completion of required active service. He served 3 years of net service this period.

5. The name in its entirety, [REDACTED], was used to identify the applicant throughout the entire period of his military service; it is consistently represented in the documents contained in his Military Personnel Records Jacket, including his DD Form 214. He authenticated many documents by placing his full signature in the appropriate block attesting to the correctness of his personal data. Aside from the documents completed and submitted prior to his basic entry date, the requested name, [REDACTED], does not appear in his available military records.

6. AR 635-5 (Personnel Separations – Separation Documents) prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for preparing and distributing DD Form 214.

7. 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.

BOARD DISCUSSION:

After reviewing the application, all supporting documents and the evidence found within the military record, the Board determined that relief was not warranted. The Board carefully considered the applicant's request, supporting documents and evidence in the records. By his own admission, the applicant indicated at the time of in-processing that he preferred the use of the contested name as that was the name he was known by in his community. Further, supporting documentation consistently reflects the contested name. As the Army has an interest in the preservation of the record, after due consideration of the request, the Board determined that the evidence presented does not met the burden of proof of an error or injustice and there is no basis upon which to warrant a recommendation for relief.

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.



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.

2. AR 635-5 (Personnel Separations – Separation Documents) prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. Paragraph 2-2 states, personnel officers will use the DA Form 201 (Military Personnel Records Jacket, MPRJ), DA Form 2 and 2-1 (Personnel Qualification Records), Separation Orders, DD Form 4/4 (Enlistment/Reenlistment Document – Armed Forces of the United States, DA Form 3716 (Personnel Financial Record), Enlistment records and DD Forms 214 for prior service personnel, and any other available records when preparing DD Form 214WS (Worksheet).

//NOTHING FOLLOWS//