

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 December 2023

DOCKET NUMBER: AR20230005253

APPLICANT REQUESTS: in effect, his DD Form 214 (Certificate of Release or Discharge from Active Duty) and NGB Form 22 (National Guard Bureau Report of Separation and Record of Service) corrected to show his legal last name as it appears on his legal documents as L__d Jr. vice R__n.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Social Security card
- state issued driver's license
- birth certificate
- hospital birth record

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 name has been changed to his legal birth name J_ V_ L_, Jr. His name at enlistment was not his legal name, it was unknown to him that the adoption paper was not legal.
3. The applicant enlisted in the North Dakota Army National Guard (NDARNG) of and as a Reserve of the United States Army on 10 January 1981. His DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) show his name as J_ V_ R_. His DD Form 1966 (Application for Enlistment – Armed Forces of the United States) shows his name as J_ V_ R_. Section V – Certifications shows the recruiter cited the applicant's birth certificate as the source document for his name, age, and citizenship. Section X - Statement of Name for Official Military Records is blank.

4. The applicant served on initial active duty for training from 13 February 1981 to 14 May 1981. His DD Form 214 shows his name as J_ V_ R_.
5. The applicant was honorably discharged from the NDARNG on 1 February 1984. His NGB Form 22 shows his name as J_ V_ R_.
6. The entirety of the applicant's records show his name as J_ V_ R_, including the applicant's signatures.
7. The applicant provided his legal identification documents; his social security card, birth certificate and state issued driver's license showing his name as J_ V_ L_, Jr.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board considered the applicant's statement, military service record and documents provided by the applicant. The Board noted that the entirety of the documentation available within the applicant's military record 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 meet the burden of proof in determining an error or injustice and a recommendation for relief is not warranted.
2. 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 that currently being used by the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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|---|---|---|----------------------|
| : | : | : | 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, United States 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 (AR) 635-5 (Personnel Separations – Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers on retirement, discharge, REFRAD service, or control of the Active Army. It also established standardized policy for preparing and distributing the DD Form 214. Chapter 2 contains guidance on the preparation of the DD Form 214. It states that the source documents for entering information on the DD Form 214 will be the Enlisted Record Brief (ERB), Officer Record Brief (ORB), enlistment/ reenlistment documents, personnel finance records, discharge documents, separation orders, or any other document authorized for filing in the Official Military Personnel File.

a. Paragraph 2-2 (Source documents) states DA Form 20 (Enlisted Qualification Record) and DA Form 66 (Officer Qualification Record) are the basic source documents for preparing DD Form 214WS (Worksheet). However, in preparing DD Form 214WS, personnel officers should review all available documents such as the MPRJ (Military Personnel Records Jacket), DA Form 2143 (Military Personnel Financial Data Records, US Army) DA Form 3716 (Personal Financial Record), reassignment orders, enlistment or induction records, and any DD Forms 214 for prior service.

b. Paragraph 2-7 states for item 1 (Name), enter name in order shown on DD Form 214, using all capital letters, and including abbreviation for junior, senior, second, when appropriate.

3. AR 635-8 (Separation Processing and Documents), currently in effect, prescribes policy and procedural guidance relating to transition management and explains separation document preparation, to include preparation of the DD Form 214 (Certificate of Release or Discharge from Active Duty).

a. 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.

b. The instructions for the completion of item 1 (Name (Last, First, Middle)) state to compare the original enlistment contract or appointment order and review the official

record for possible name changes. If a name change occurred and is recorded in the official record, list other names of record in item 18 (Remarks).

//NOTHING FOLLOWS//