

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]
[REDACTED]
[REDACTED]

BOARD DATE: 30 November 2023

DOCKET NUMBER: AR20230005295

APPLICANT REQUESTS: correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 20 January 1983 to show her middle name as shown on her birth certificate.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- State Birth Certificate

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 her middle name shown on her birth certificate is D____, but her records and identification show her middle name as A_____.
3. On 30 March 1980 in preparation for enlistment in the U.S. Army Reserve, she completed a DD Form 360 (Police Record Check) and DD Form 1966 (Application for Enlistment – Armed Forces of the United States) wherein she recorded her middle name as A_____.
4. She enlisted in the U.S. Army Reserve on 14 May 1980 under the Delayed Entry/Enlistment Program with a commitment to enlist in the Regular Army on 21 May 1980. She was discharged from the Delayed Entry/Enlistment Program and enlisted in the Regular Army on 21 May 1980.
5. Her DD Form 4 (Enlistment or Reenlistment Document – Armed Forces of the United States) and all documents containing her middle name, including her marital

name change, show she used the middle name A_____ throughout her service. The middle name D_____ is not found on any documents in her service record.

6. She retired on 20 January 1983 by reason of temporary physical disability. She completed 2 years and 8 months of net active service during this period. Item 1 (Name (Last, First, Middle) of her DD Form 214 shows her middle name as A_____.

7. She provided her birth certificate showing her middle name as D_____.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence show she used the contested middle name during her service. There isn't at least one document in her available service record to corroborate the use of the requested middle name during her service. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. There is no evidence the applicant used the requested middle name during her military service. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created, unless there is sufficient evidence that shows a material error or injustice.

2. This Record of Proceedings, will be filed in his military record in order to provide clarity and to deal with any confusion that might arise regarding the difference in her middle name. Filing the Board's decisional document will also guarantee the historical accuracy of the applicant's military record regarding the middle name under which he served.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

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.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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), effective 1 October 1979 and in effect at the time, prescribed the separation documents that must be prepared for Soldiers at the time of 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.

a. The general instructions stated personnel officers will use the following source documents when preparing the DD Form 214:

- DA Form 201 (Military Personnel Records Jacket)
- DA Forms 2 and 2-1 (Personnel Qualification Records)
- separation orders
- DD Form 4
- DA Form 3716 (Personnel Financial Record)
- enlistment records and DD Forms 214 for prior-service personnel
- any other available records

b. The specific instructions for item 1 stated to enter the name in all capital letters.

//NOTHING FOLLOWS//