

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 December 2023

DOCKET NUMBER: AR20230005333

APPLICANT REQUESTS: correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending on 31 July 1990 to reflect a Date of Birth (DOB) first number of "4 November 19XX" rather than "24 November 19XX."

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter
- Amended Certificate of Live Birth, 4 November 19XX
- DD Form 214, 31 July 1990
- National Personnel Records Center letter, 5 June 2022

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 pertinent part that there was an error made on his original birth certificate that was later amended to reflect the requested DOB.
3. A review of the applicant's available service records reflects the following:
 - a. On 3 March 1987, the applicant enlisted in the Regular Army for 5 years. DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the U.S.), item 6 (DOB) reflects "24 November 19XX." This document was endorsed by the applicant.
 - b. On 5 March 1987, the applicant completed Rapids Form T1172-1 (Application for Uniformed Services Identification Card Automated). Item 21 (DOB) reflects "24 November 19XX;" Item 67 (Remarks) provides that this information was verified by the applicant's birth certificate.

c. On 31 July 1990, the applicant was medically discharged. DD Form 214, item 5 (DOB) reflects "24 November 19XX."

4. The applicant provides the following a:

a. Amended Certificate of Live Birth, dated 4 November 1959, reflective of the applicant's DOB as "4 November 19XX." Item 11 (Date Signed) reflects "11 November [REDACTED]"; item 23 (Date Filled) reflects "11 November [REDACTED].", Section 2 (Facts Amended) provides that the applicant's first name was amended by this document. No other changes are noted. This change was performed on 10 May 2005.

b. National Personnel Records Center letter dated 5 June 2022, reflective of the applicant being redirected to this Board to submit his requested relief.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence show he used the contested date of birth during his service. There isn't at least one document in his available service record to corroborate the use of the requested date of birth during his 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 date of birth during his 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 the date of birth. Filing the Board's decisional document will also guarantee the historical accuracy of the applicant's military record regarding the date of birth 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.

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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, USC, 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 Separation - Separation Documents) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects

the conditions as they existed at the time of separation. All available records to include the DA Form 20 (Enlisted Qualification Record), orders etc. will be used as a basis for preparation of the DD Form 214. Item 5 (Date of Birth) will reflect the six-digit number; year, month and day without spaces or slashes (e.g. 690312 for March 12, 1969.)

3. AR 600-2 (Name and Birth Data, Social Security Account Number and Temporary Identification Number) in affect act that time prescribes the procedures for the recording of names and the changing of record of name and/or birth data. The service member must submit a signed request to his or her commanding officer, stating his or her, correct birth date, place of birth, and reason for the erroneous, data shown on Army records. Service members must attach a birth certificate that agrees in all respects with the data in the request. Only records of birth pertaining to the current period of service will be amended.

4. Title 10, USC, section 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

//NOTHING FOLLOWS//