ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF:

BOARD DATE: 12 December 2023

DOCKET NUMBER: AR20230005430

<u>APPLICANT REQUESTS:</u> through his attorney-in-fact, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 28 August 1973 to show a different social security number (SSN).

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)
- DD Form 214
- Durable Power of Attorney, 14 January 2023
- National Personnel Records Center Letter, 1 February 2023

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, through his attorney-in-fact, states the SSN shown on his DD Form 214 is incorrect. He lists his correct SSN as XXX-XX- (Note: He did not provide a copy of his social security card or a statement from the Social Security Administration.)
- 3. His DD Form 398 (Statement of Personal History), 2 February 1971, shows he listed his SSN as XXX-XX- He signed and dated this form attesting to its accuracy.
- 4. He enlisted in the Regular Army on 3 February 1971. Item 1 (Service Number/ Social Security Account Number) of his DD Form 4 (Enlistment Contract Armed Forces of the United States) shows his SSN as XXX-XX-
- 5. Armed Forces Examining and Entrance Station Special Orders Number 23, 3 February 1971, enlisted him in the U.S. Army on 3 February 1971. The standard name line in these orders shows his SSN as XXX-XX-

- 6. He was discharged under honorable conditions on 28 August 1973. Item 3 (SSN) of his DD Form 214 shows his SSN as XXX-XX
- 7. A review of his Official Military Personnel File revealed all applicable documents contain the SSN shown on his DD Form 398 and DD Form 4.
- 8. He provided a National Personnel Records Center letter, 1 February 2023, which provided him with copies of his records. He also provided a copy of the Durable Power of Attorney, 14 January 2023, giving his sibling the full power and authority to act on his behalf. Neither of these documents contain his requested SSN.

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 he used the contested SSN during his service. There isn't at least one document in his available service record to corroborate the use of the requested SSN 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 SSN 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.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : GRANT FULL RELIEF

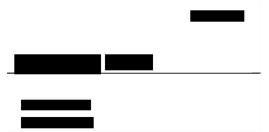
: : GRANT PARTIAL RELIEF

: : 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.



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), 20 August 1973 and in effect at the time, prescribed the separation documents that are furnished to individuals who are retired, discharged, or released from active military service. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a

brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

- a. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214.
- b. The specific instructions for item 3 stated to check the records with the separatee's social security card when possible. Otherwise, verify the accuracy of the SSN of record.

//NOTHING FOLLOWS//