

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 January 2024

DOCKET NUMBER: AR20230005481

APPLICANT REQUESTS: in effect, correction of the "contested name" shown in item 1 (Last Name, First Name, Middle Name) on his DD Form 214 (Report of Separation from Active Duty) to reflect his "requested name" shown on his Passport.

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

- DD Form 149 (Application for Correction of Military Record)
- record of birth
- DD Form 214 (Report of Separation from Active Duty)
- NGB Form 22 (Report of Separation and Record of Service in the Army National Guard (ARNG))
- Honorable Discharge Certificate (ARNG)
- driver license
- Social Security Administration card
- United States of America Passport

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 on all his documentation from the contested name to the requested name, except the name listed on his military records.
3. The ABCMR was unable to obtain the applicant's military service records from the National Personnel Records Center in St. Louis, MO. However, the applicant provided sufficient documentation for the ABCMR to consider his case.
4. The applicant provides the following documents, which record the contested name:
 - record of birth
 - DD Form 214, 7 March 1975

- NGB Form 22, 7 March 1975
- Honorable Discharge Certificate, 3 April 1975

5. He also provided the below documents, which record his requested name:

- driver license
- Social Security Administration Card
- United States of America Passport

6. Army Regulation (AR) 635-5 (Separation Documents) directs that 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.

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.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found the applicant used the name recorded on his DD Form 214 throughout his period of military service. The Board found insufficient evidence of mitigating factors that would support changing an entry on the DD Form 214 that accurately reflected the information available at the time the form was completed. The Board determined the name on the applicant’s DD Form 214 should not be changed.

3. If the applicant is able to provide a court order showing his name has been legally changed, he may submit a request for reconsideration.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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:	:	:	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.

4/24/2024

X 

CHAIRPERSON


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. AR 635-5 establishes the policy for preparing and distributing the DD Form 214. The regulation directs that 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.
3. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.
4. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
5. AR 635-5 (Separation Documents), in effect at the time, states, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of

separation. Item 1 states enter name in order shown on DD Form 214, using all capital letters, and including abbreviation for junior, senior, second, when appropriate.

//NOTHING FOLLOWS//