

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 December 2023

DOCKET NUMBER: AR20230005581

APPLICANT REQUESTS: Correction to his date of birth (DOB) to reflect [REDACTED]
[REDACTED]

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- [REDACTED] Certification of Birth
- [REDACTED] Driver License

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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, in effect, item 9 (Date of Birth) of his DD Form 214 is incorrectly entered as [REDACTED].” This is problematic when applying for various Veterans Affairs (VA) benefits such as medical and burial benefits, as well as a source document for passport applications. As documented on his birth certificate and [REDACTED] Driver License, he would like his date of birth on his military records corrected to reflect [REDACTED].”

3. The applicant provides:

- a. His DD Form 214.
- b. His State of Ohio Certification of Birth, which reflects his DOB as [REDACTED]
[REDACTED]
- c. His [REDACTED] Driver License, which reflects his DOB as [REDACTED]

4. The applicant's complete military records are not available to the Board for review. His military records are checked out to another agency. This case is being considered based on the documents provided by the applicant.

a. DD Form 214 shows the applicant was honorably transferred to the U.S. Army Reserve Control Group on 3 January 1969. Item 9 (Date of Birth) reflects [REDACTED].” The DD Form 214, item 21 (Signature of Person Being Transferred or Discharged), contains the applicant’s signature.

b. Case Management Division letter, dated 1 December 2018, reflects the applicant’s application to have his DD Form 214 amended to show his correct date of birth was administratively closed without action and without prejudice.

c. U.S. Army Human Resources Command letter, dated 17 January 2019, was written in response to his request for correction to his date of birth on his military service record. It states, “Please provide your initial enlistment contract and Separation orders if his Date of Birth is correct on the documents. If your Date of Birth is not correct on your initial enlistment contract and Separation order, unfortunately, this Command is unable to-grant this change....”

5. 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. In the absence of a showing of material error or injustice, there is a reluctance to recommend that those records be changed.

6. By regulation (AR 635-5), 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. The information entered thereon reflects the conditions as they existed at the time of separation.

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 insufficient evidence to support a conclusion that an error was made when the applicant's date of birth was recorded on his DD Form 214. In the absence of documentation showing the date of birth he states is correct was recorded in his military records, the Board determined the evidence does not support changing his DD Form 214.

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.

2/27/2024

X [REDACTED]

CHAIRPERSON

[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), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon 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. 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. The information entered thereon reflects the conditions as they existed at the time of separation. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for item 5 (Date of Birth) stated to enter the DOB from the enlistment contract.

//NOTHING FOLLOWS//