

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 19 December 2023

DOCKET NUMBER: AR20230005955

APPLICANT REQUESTS: reconsideration of his earlier request to amend his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the day and year of his birth as XX ██████, vice 0X ██████.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number 20110024934, on 12 June 2012.

2. The applicant states, in effect, his DD Form 214 shows the wrong day and year of his birth. He requests this correction so the National Cemetery will have his actual date of birth.

3. A review of the applicant's service records reveals the following:

a. On 10 February 1966, the applicant completed a DD Form 398 (Statement of Personal History); item 5 (Date of Birth) shows his day and year of birth as 0X ██████.

b. On 16 February 1966, the Army of the United States (AUS) inducted the applicant of a 2-year term of active duty; his DD Form 47 (Record of Induction) lists the day and year of his birth as 0X ██████.

c. Upon completion of initial entry training and the award of military occupational specialty 63A (Mechanical Maintenance Apprentice), orders assigned the applicant to the 581st Combat Support Company (Heavy Maintenance) at Fort Lee, VA (now renamed Fort Gregg-Adams). On 27 September 1966, the applicant moved with his unit to Vietnam.

d. On 16 April 1967, intra-theater orders transferred the applicant to the 578th Supply Company (Heavy Maintenance). On 23 September 1967, the applicant completed his tour in Vietnam, and orders reassigned him to an engineer battalion at Fort Hood, TX (renamed Fort Cavazos).

e. On 15 February 1968, orders honorably released the applicant from active duty and transferred him to the U.S. Army Reserve to complete the remainder of his military service obligation. His DD Form 214 shows he completed his 2-year obligated active duty service and indicates the day and year of his birth as 0X [REDACTED]; the form additionally reflects the following:

(1) Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized): National Defense Service Medal, Vietnam Service Medal with one bronze service star, Republic of Vietnam Campaign Medal with Device (1960), and a marksmanship qualification badge.

(2) Item 30 (Remarks): the applicant's Vietnam service is not listed.

f. All documents in his available service record that list his date of birth indicate the day and year are 0X [REDACTED]

g. On 25 February 2008, the applicant petitioned the ABCMR requesting a correction to his day and year of birth; with his application, he included a copy of his passport, which showed XX [REDACTED] for the day and year of birth. On 29 August 2008, the applicant withdrew his request, stating no further action was needed as Homeland Security had denied his request to change his date of birth.

h. On 14 December 2011, the applicant submitted another application to the Board asking for a change to his date of birth.

(1) The applicant stated, at the time of his induction, his "green card" showed the incorrect date of birth; he provided a court order, wherein the court directed the U.S. Citizenship and Immigration Service to amend and issue the applicant a new Certificate of Naturalization with his day and year of birth reflected as XX [REDACTED]

(2) On 12 June 2012, the Board denied his request, stating:

(a) "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. There is a reluctance to recommend that those records be changed."

(b) "While it is understandable that the applicant desires to now record the requested DOB (date of birth) in his military records, there is not a sufficiently compelling reason for compromising the integrity of the Army's records at this late date."

(c) "Therefore, absent convincing, independent, and verifiable evidence to the contrary, it is presumed the applicant's military service records, including the DD Form 214, were correct at the time and there is insufficient evidence to grant him relief in this case."

4. Army Regulation (AR) 635-5 (Separation Documents), in effect at the time, stated the purpose of separation documents was to provide the individual with documentary evidence of his/her military service. DD Form 214 preparers were to use all available records, to include enlistment/induction documents and the Soldier's DA Form 20 (Enlisted Qualification Record), as sources for the entries in the DD Form 214.

5. The Board has an interest in maintaining the accuracy of its records; for historical purposes, the data and information contained in those records should reflect the conditions and circumstances, as they existed at the time of the records' creation.

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 shows 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 his 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.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

█ █ █ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, 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 to amend the decision of the ABCMR set forth in Docket Number AR20110024934, on 12 June 2012.



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.

ADMINISTRATIVE NOTE(S):

1. AR 635-5 (Separation Documents), in effect at the time, stated the DD Form 214 was to list all decorations, service medals, campaign credits, and badges awarded or authorized. Additionally, change 11, effective January 1970, required the DD Form 214 to show a separating Soldier's Vietnam service in remarks.

2. AR 600-8-22, currently in effect, states the Vietnam Service Medal is awarded to all members of the Armed Forces of the United States based on their qualifying service in Vietnam after 3 July 1965 through 28 March 1973. A bronze service star will be awarded for wear on the Vietnam Service Medal for the Soldier's participation in each recognized campaign; Vietnam campaigns include the following:

- Counteroffensive, Phase II (1 July 1966 to 31 May 1967)
- Counteroffensive, Phase III (1 June 1967 to 29 January 1968)

3. Department of the Army Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) shows:

a. Department of the Army General Order (DAGO) Number 54, dated 1968, awarded the Meritorious Unit Commendation to the 578th Supply Company, for the period 2 May to 31 December 1967.

b. DAGO 29, 1969, awarded the Meritorious Unit Commendation to the 581st Supply Company, for the period 1 January to 2 May 1967.

c. DAGO Number 8, dated 1974, awarded all units that served in Vietnam the Republic of Vietnam Gallantry Cross with Palm Unit Citation.

4. Based on the foregoing, amend the DD Form 214, ending 15 February 1968, as follows:

a. Item 24 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized). Delete the Vietnam Service Medal and add the following: Vietnam Service Medal with two bronze service stars, Meritorious Unit Commendation (2nd Award), and Republic of Vietnam Gallantry Cross with Palm Unit Citation

b. Item 30 (Remarks). Add the following comment: "Service in Vietnam from 27 September 1966 to 23 September 1967."

REFERENCES:

Army Regulation (AR) 635-5 (Separation Documents), in effect at the time, stated the purpose of separation documents was to provide the individual with documentary evidence of his/her military service. DD Form 214 preparers were to use all available records, to include enlistment/induction documents and the Soldier's DA Form 20 (Enlisted Qualification Record), as sources for the entries in the DD Form 214.

//NOTHING FOLLOWS//