

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 August 2024

DOCKET NUMBER: AR20230005987

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show:

- his previously granted upgrade to an under honorable conditions (General) discharge
- his first name as Sa--
- restoration of his grade to specialist (SPC)/E-4

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

- DD Form 149 (Application for Correction of Military Record)
- Two Army Review Boards Agency (ARBA) letters
- DD Form 257A (General Discharge Certificate)
- DD Form 214

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 he would like his DD Form 214 to accurately state his type of discharge, current first name and the grade he held before his discharge. In support of his requests, he provides a copy of his DD Form 214, which shows an under other than honorable conditions discharge, and his DD Form 257A, confirming an upgraded characterization of service.
3. On 18 June 1980, the Army Discharge Review Board upgraded the applicant from an under other than honorable conditions characterization of service to an under honorable conditions (General) discharge. With that upgrade, the ADRB issued the applicant a replacement DD Form 214 (Certificate of Release or Discharge from Active Duty) on 30 June 1980; ARBA will provide a copy of that DD Form 214.

4. On 14 August 2023, ARBA requested the applicant forward a copy of documentation showing a court had ordered the change of the applicant's first name from Se-- to Sa--. On 8 December 2023, after receiving no response, ARBA closed the request.

5. The National Personnel Records Center (NPRC) was unable to locate service records for the applicant; however, the applicant provides a copy of his DD Form 214, and that, with the copy of his corrected DD Form 214, offer enough information for the Board to address his request.

6. The applicant's DD Form 214 shows that, on 11 February 1966, the applicant enlisted into the Regular Army for 4 years; his first name was annotated as Se--.

a. On 13 August 1968, the Army discharged the applicant under other than honorable conditions under the provisions of Army Regulation (AR) 635-212 (Discharge – Unfitness and Unsuitability). His DD Form 214 shows his first name as Se-- and items 5a (Grade, Rate, or Rank) and 5b (Pay Grade) show private (PV1)/E-1.

b. On 30 June 1980, the ADRB upgraded the applicant's characterization of service to under honorable conditions (General); the replacement DD Form 214 shows his first name is Se--.

c. On 26 November 2001, the applicant petitioned the ABCMR to correct his social security number; on his DD Form 149, the applicant stated his name was "[Last Name], S. Sa--." On 8 January 2002, the Board granted the applicant's request and issued him a DD Form 215 (Correction to DD Form 214); the form states his first name was "Se__."

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 Board carefully considered the applicant's request, supporting documents, evidence in the records, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement and record of service, the frequency and nature of the applicant's misconduct and the reason for separation. The applicant was separated for misconduct with the commander citing a frequent incidents of a discreditable nature with civil or military authorities. The Board found no error or injustice in the separation proceedings and designated characterization of service assigned during separation. The Board noted the applicant provided no documentation to support his request, including post-service achievements or letters of reference to support clemency. Based on a preponderance of the evidence, the Board concluded that the characterization of service the applicant received upon

separation was appropriate. However, the Board noted the applicant's DD Form 214, for the period ending 13 August 1968 currently reflect an under honorable conditions (General) discharge, upgraded on 30 June 1980 by the Army Discharge Review Board and will be included with the supporting documents of this consideration of the applicant's request and will serve as a matter of record provided to the applicant.

2. As it relates to the applicant's request for amendment of his DD Form 214 to show his last name as Sa-- vice Se--, the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. Based on the service record and a preponderance of the evidence, the Board denied relief.

3. As it relates to the applicant's request for restoration to the grade of specialist (SPC)/E-4, the Board determined his record is absent evidence that shows he was promoted to SPC/E-4 prior to his release from active duty on 13 August 1968. The evidence of record shows the applicant's rank as private (PVT)/E-1 with a date of rank as 17 July 1968. Based on the foregoing, the Board denied relief.

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, 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 (Separation Documents), in effect at the time, prescribed policies and procedures for the completion of the DD Form 214. The regulation required DD Form 214 preparers to use all available record when completing the DD Form 214; with regard to name, the regulation stated, "Enter last name, first name, and full middle name or names, if any." Regarding items 5a and 5b, the regulation stated, "Enter grade in which serving at the time of separation."

//NOTHING FOLLOWS//