

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 November 2023

DOCKET NUMBER: AR20230006164

APPLICANT REQUESTS: in effect:

- Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in:
  - block 1 (Name), his first name as Gerard (First Name A) instead of Gerald (First Name B)
  - blocks 4a (Grade, Rate or Rank) and 4b (Pay Grade) sergeant (SGT)/E-5
- reissuance of his medals
- reissuance of his Honorable Discharge Certificate

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

- DD Form 149 (Application for Correction of Military Record), 20 March 2023
- Permanent Orders 05-43, 18 March 1991, issued by Headquarters (HQ), 3d Armored Division Artillery
- DA Form 428 (Application for ID Card), 21 June 1991
- DD Form 215 (Correction to DD Form 214), 9 September 1991

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, in effect:

a. His legal first name is (First Name A). Some of his military documents show his first name incorrectly as (First Name B) .

b. His rank at the time of receiving his Army Commendation Medal was SGT/E-5. and not specialist/E-4.

c. He would like his medals issued to him along with his Honorable Discharge Certificate.

3. The applicant provided copies of:

a. Permanent Orders 05-43, 18 March 1991, showing he was awarded the ARCOM for meritorious service while at Service Battery, 2nd Battalion, 3rd Field Artillery, during Operation Desert Storm. His rank on these orders is shown as sergeant.

b. A DA Form 428, 21 June 1991, showing he applied for an ID card on 21 June 1991 for the purpose of transfer to the Reserve Components.

c. A DD Form 215, showing a correction was made to his DD Form 214, issued on 21 June 1991 to show additional awards and decorations. This correction did not include a change to this rank to show sergeant or a change to his first name to show (First Name A).

4. The applicant's request for reissuance of his lost medals and copies of his records may be completed by contacting the National Archives and Records Administration (NARA) at their website. The NARA website is listed below in cites and this issue will not be further discussed in this record of proceedings.

5. The Board will consider the applicant's request to correct his DD Form 214 to show the rank as sergeant/E-5.

6 The following documents in his service records show his first name as (First Name A), however the applicant did not provide a birth certificate or any other notarized State issued document together with any documents he used during his military service to confirm his legal name:

- DD Form 4
- Permanent Orders 05-43, 18 March 1991
- DA Form 664 (Service Member's Statement Concerning Compensation from the VA), 21 June 1991
- DD Form 2-1

7. A review of the applicant's service records shows:

a. On 15 June 1988, he enlisted in the Regular Army for 3 years beginning at grade/pay grade private first class/E-3.

b. A DA Form 4874 (Promotion Certificate), dated 1 February 1990, shows he was promoted to specialist/E-4.

c. Permanent Orders 05-43, issued by HQ, Service Battery, 2nd Battalion, 3rd Field Support Artillery, awarded him the ARCOM for meritorious service during Operation Desert Storm for the period 17 January 1991 to 28 February 1991. These orders show his rank as sergeant.

d. On 21 June 1991, he was issued a DA Form 1811, showing his grade as specialist.

e. On the same date, he completed a DA Form 664, and authenticated this form with his grade as specialist.

f. On 21 June 1991, he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Reinforcement). His DD Form 214 shows in:

- block 1 - his first name as Gerald
- blocks 4a and 4b - SPC, E-4

g. The applicant's service records are void of orders promoting him to sergeant/E-5.

8. By regulation 635-5 (Separation Documents), enter name in all capital letter. Include "JR," "SR," or "II" when needed and in block 4 (Grade, Rate, or Rank), enter the active duty grade or rank and pay grade at time of separation from ERB/ORB.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was partially warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The applicant's service records contain several documents showing he used both the contested and requested first names during his military service. There is at least one document in the available service record to corroborate the use of the requested first name during his service. The Board determined his DD Form 214 should be corrected to show the contested first name.

b. The evidence of record shows the applicant was promoted to SPC/E-4 in February 1990. He held this rank/grade at the time of separation. The Board found no

evidence in the record or provided by the applicant that shows he was recommended or promoted to SGT/E-5 before his release from active duty.

2. 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:

1. In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his DD Form 214 and his Honorable Discharge Certificate to show the first name shown on his Enlistment Contract.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to the rank/grade of SGT/E-5.

■ [REDACTED]

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[REDACTED] ■

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[REDACTED]

[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.

ADMINISTRATIVE NOTE(S):

The applicant enlisted in the U.S. Army Reserve on 29 April 1988 for 8 years. He would have completed his service obligations on 28 April 1996. As such, issue the applicant an Honorable Discharge Certificate, in the correct first name, effective 28 April 1996.

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 15-185 (Army Board for Correction of Military Records) 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-5 (Separation Documents), in effect on 1 July 1981, prescribed the separation documents which were prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparing and distributing DD Form 214.

a. In block 1 (Name), enter name in all capital letter. Include "JR," "SR," or "II" when needed.

b. In block 4 (Grade, Rate, or Rank), enter the active duty grade or rank and pay grade at time of separation from ERB/ORB.

4. The National Archives website provides instructions for Veterans and family members to request copies of WW II Era documents by the next of kin, replacing lost medals and awards, and completing genealogical research. Their website is <https://archives.gov/research> with details on how to order records by mail, online, or by fax. To obtain records by mail, a completed SF 180 is required.

//NOTHING FOLLOWS//