

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 February 2024

DOCKET NUMBER: AR20230006332

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show in item 1 (Last Name, First Name, Middle Name): Sa__, Wi__do vice Sa__, Wi__d.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 16 November 1978
- Birth Certificate
- Driver License
- Social Security Card

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 provides his birth certificate, driver license, and social security card, all reflecting the requested name as W__do.
3. The applicant enlisted in the Regular Army on 21 November 1973. His DD Form 4 (Enlistment or Reenlistment Agreement – Armed Forces of the United States) shows in item 1 (Name (Last, First, Middle, Jr., Sr., etc)) Sa__, W__d. The applicant authenticated this form with his signature.
4. Upon enlistment, a DD Form 1966 (Record of Military Processing – Armed Forces of the United States) was completed on the applicant. The form shows in:
 - item 2 (Name (Last, First, Middle Name (& Maiden, if any), Jr., Sr., etc)): Sa__, W__d
 - item 3 (Aliases): Sa__, W__do (the requested name)

5. The applicant was honorably released from active duty on 16 November 1978. His DD Form 214 shows in item 1: Sa__, W__d.

6. By regulation, for block 1 (Name) of the DD Form 214, compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in block 18 (Remarks).

BOARD DISCUSSION:

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. The evidence shows the applicant used the contested first name during his service. There is no evidence the applicant used the requested name during his military 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. Nevertheless, the Board noted that although the applicant did not use the requested name during his military service, he did mention the requested name (the one ending with the letter “o”) as an alias on one document. 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. Nevertheless, the Board determined, as a matter of equity, an entry in the Remarks block to show the requested first name is appropriate.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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 adding an

entry to the Remarks Block of his DD Form 214 to show he used the first name shown on his birth certificate.

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 amending Block 1 of his DD Form 214 to show a different name.



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 (AR) 635-8 (Separation Processing and Documents), prescribes policy and procedural guidance relating to transition management; it explains separation document preparation, distribution, and correction. Paragraph 5-6 (Rules for Completing the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides detailed instructions for data required in each block of the DD Form 214. It states for block 1 (Name), compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in block 18 (Remarks).
3. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created.

//NOTHING FOLLOWS//