

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 January 2024

DOCKET NUMBER: AR20230006448

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect:

- Item 1 (Name (Middle)): the middle name shown on his certificate of birth
- Item 5 (Date of Birth) (DOB) (Day): to show the DOB on his certificate of birth

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

- DD Form 149 (Application for Correction of Military Record)
- [REDACTED] Certificate of Live Birth

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 needs his DD Form 214 corrected for future use. His middle name and DOB (day) are incorrect.
3. The applicant's DD Form 1966 series (Application for Enlistment – Armed Forces of the United States) shows his middle name as requested; his name will be administratively corrected without action by the Board. His DOB (day) reflects the contested day.
4. The applicant enlisted in the Regular Army on 23 August 1977. His DOB (day) on his enlistment contract reflects the contested day. All available service records reflect the contested date.
5. The applicant was honorably released from active duty and transferred to the U.S. Army Reserve Control Group on 17 March 1988. His DD Form 214 shows his DOB (day) as the contested date.

6. The applicant provides [REDACTED] Certificate of Live Birth, showing his date of birth as the requested date.

7. Army Regulation 635-5 (Separation Documents) the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. 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 warranted.
2. The Board found the Certificate of Live Birth provided by the applicant sufficient as a basis for confirming the applicant's correct DOB. The Board determined his DD Form 214 should be corrected to reflect the DOB shown on his Certificate of Live Birth.
3. The Board concurred with the correction described in Administrative Note(s) below.

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
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:


The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- Replacing the entry in item 5 of his DD Form 214 with the DOB shown on his Certificate of Live Birth
- Making the correction described in Administrative Note(s) below

4/15/2024

X 

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CHAIRPERSON  


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):

A review of the applicant's records shows his DD Form 214 contained an administrative error in item 1 (Name) block. As a result, amend the DD Form 214 by correcting his middle name to reflect the name on his certificate of birth.

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) 635-5 (Separation Documents) the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation. Item 5 states enter date using six-digit number in this item: year, month, and day written in that sequence without spaces or slashes, e.g.,420106 for 6 Jan 42.

//NOTHING FOLLOWS//