

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 January 2024

DOCKET NUMBER: AR20230006779

APPLICANT REQUESTS: correction of the date of birth (DOB) currently reflected on his DD Form 214 (Report of Separation from Active Duty) for the period ending on 9 June 1977 to reflect [REDACTED] rather than [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate
- DD Form 214, 9 June 1977

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 pertinent part that the DOB currently reflected on his DD Form 214 is incorrect. This discrepancy is causing administrative delays and billing issues related to his medical care and therefore needs to be corrected.

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

a. On 15 June 1976, the applicant enlisted in the Regular Army. DD Form 4 (Enlistment or Reenlistment Agreement – Armed Forces of the U.S.) item 7 (Date of Birth) reflects [REDACTED]

b. The applicant's personnel qualification record, item 52 (Date of Birth) reflects [REDACTED]

c. On 9 June 1977, the applicant was discharged from military service. On the DD Form 214 issued at that time, item 4 (DOB) reflects [REDACTED]

4. The applicant provides his birth certificate reflective of a DOB of [REDACTED]



REFERENCES:

1. Title 10, USC, 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) in effect at the time, states that the DD Form 214 will reflect the conditions and circumstances that existed at the time the records were created. The purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. All available records to include the DA Form 2-1 (Personnel Qualification Record), orders etc. will be used as a basis for preparation of the DD Form 214. Item 4 (Date of Birth) will reflect the six-digit number; year, month and day.
3. AR 600-2 (Name and Birth Data, Social Security Account Number and Temporary Identification Number) in effect at the time prescribes the procedures for the recording of names and the changing of record of name and/or birth data. The service member must submit a signed request to his or her commanding officer, stating his or her, correct birth date, place of birth, and reason for the erroneous, data shown on Army records. Service members must attach a birth certificate that agrees in all respects with the data in the request. Only records of birth pertaining to the current period of service will be amended.

//NOTHING FOLLOWS//