

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 January 2024

DOCKET NUMBER: AR20230006781

THE APPLICANT, THE SERVICE MEMBER'S DAUGHTER, REQUESTS, in effect:

- correction of the Service Member's (SM) date of birth (DOB)
- the SM be issued a new DD Form 214, Certificate of Release of Discharge from Active Duty
- the SM be issued the Army of Occupation Medal with Germany Clasp

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

- DD Form 149, Application for Correction of Military Record
- Next of Kin Certification of Birth
- Applicant's Statement
- SM's [REDACTED] Certification of Birth
- SM's letter authorizing the correction of his DOB
- 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. Service medals and awards are not issued by the Army Board for Correction of Military Records (ABCMR) therefore, the applicant's request for replacement medals will not be addressed in this Record of Proceedings. The applicant may obtain replacement medals by submitting a written request to: National Personnel Records Center, ATTN: Army Reference Branch, 1 Archives Drive, St. Louis, Missouri 63138.
3. The applicant states, in effect, the SM's DOB is incorrectly shown as [REDACTED] on his DD Form 214. The DOB listed on the SM's certification of birth is the correct [REDACTED]. Further, the SM's DD Form 214 was damaged due to time and weather conditions.

4. The SM's available record shows that he was inducted into the Army of the United States on 16 August 1954. His DD Form 47, Record of Induction, lists the contested DOB.
5. The SM was released from active duty on 10 August 1956. His DD Form 214 shows in Block 6, DOB, the contested DOB.
6. The applicant provides the SM's birth certificate. This document lists the SM's DOB as [REDACTED]

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is not warranted.
2. A majority of the Board found the SM's DOB was consistently recorded as the contested DOB from the date he was inducted until the date he was released from active duty. A majority of the Board found insufficient evidence of mitigating factors that would support changing an entry on the DD Form 214 that accurately reflected the information that was available when the form was completed. A majority of the Board determined the DOB shown on the SM's DD Form 214 should not be changed.
3. The member in the minority determined the SM's Certification of Birth is sufficient as a basis for correcting the DOB on his DD Form 214.
4. The SM is advised that a copy of these proceedings will be filed in his Official Military Personnel File, which will serve to explain the difference in the DOB recorded on his DD Form 214 and the DOB recorded on his Certification of Birth.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	[REDACTED]	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
[REDACTED]	:	[REDACTED]	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.

3/20/2024

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.

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 Army Board for Correction of Military Records (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, Personnel Separations-Administrative Separation Procedures and Forms, prescribed that the DD Form 214 is to provide the individual with documentary evidence of active military service at the time of release from active duty, retirement, or discharge.
  
3. AR 635-8, Separation Processing and Documents, prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. The DD Form 214 is of vital importance to the separating Soldier and must be properly prepared according to prescribed guidance. All available military records will be used to prepare this form. Rules for reissuing a DD Form 214 –
  - a. when directed by appellate authority, executive order, or by the Secretary of the Army.
  
  - b. when the DD Form 214 cannot be properly corrected by issuing a DD Form 215, Correction of the DD Form 214.

c. If no DD Form 214 is available, issue a statement of service.

d. Prepare a DD Form 215 in response to a request for a Soldier or veteran to correct a previously issued Army DD Form 214.

4. Service medals and awards are not issued by the ABCMR. Applicants may obtain medals by submitting request in writing to: National Personnel Records Center, ATTN: Army Reference Branch, 1 Archives Drive, St. Louis, Missouri 63138.

//NOTHING FOLLOWS//