

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 30 November 2023

DOCKET NUMBER: AR20230006785

APPLICANT REQUESTS: correction to his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect his middle name of "██████," instead of "██████."

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

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- self-authored statement
- DD Form 214
- State of Illinois Certificate of Birth
- email, SUBJECT: Indy Honor Flight Guardian Information

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 would like to have his middle name corrected on his DD Form 214. He says that when he enlisted his middle name was misspelled on his enlistment paperwork and until now it did not seem to matter. However, he was recently selected to go on the Indy Honor Flight and it was brought to his attention by the coordinator that his middle name was misspelled.
3. The applicant provides:
 - a. A self-authored statement that says when he enlisted his middle name was misspelled on his enlistment paperwork and until now it did not seem to matter. However, he was recently selected to go on the Indy Honor Flight and it was brought to his attention by the coordinator that his middle name was misspelled.
 - b. A DD Form 214 that shows his middle name as "██████."

- c. A State of Illinois Certificate of Birth that shows his middle name as "██████████"
 - d. An email from ██████████ with Indy Honor Flight, asking the applicant to inform her once he has obtained a new driver's license with the correct spelling of his legal name.
4. A review of the applicant's service record shows:
- a. A DD Form 398 (Statement of Personal History) that shows the applicant's middle name as "██████████"
 - b. A DA Form 43 (Record of Emergency Data) that shows the applicant's middle name as "██████████."
 - c. A DD Form 214, effective 19 April 1972, that shows the applicant's middle name as "██████████"
5. By regulation (AR 635-8), currently in effect, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Block 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence show he used the contested middle name during her service. There isn't at least one document in the available service record to corroborate the use of the requested middle name during his 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. There is no evidence the applicant used the requested first name during his military service. 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.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	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.2.

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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. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Block 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes.

//NOTHING FOLLOWS//