

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 January 2024

DOCKET NUMBER: AR20230006902

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

- date of birth as [REDACTED]
- date of entry on active duty (AD) as 3 July 1983 instead of 3 July 1984
- date of separation as 6 November 1987 instead of 11 June 1986

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate
- Social Security Card
- Two medical treatment documents

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 that his DD Form 214 is incorrect as to his date of birth, date of entry, and date of separation. He needs the record corrected for Department of Veterans Affairs purposes, his future burial headstone, and personal/family reasons.
3. He provided copies of:
 - a. His application and statement outlined above.
 - b. A Birth Certificate from the Commonwealth of Massachusetts, showing his DoB as [REDACTED]

c. His social security card.

d. A DA Form 5181-R (Screening Note of Acute Medical Care) showing DoB
[REDACTED]

e. A DA Form 3647 (Inpatient Treatment Record Cover Sheet), showing an ETS of 2 July 1987.

4. A review of the applicant's available service records are very limited and do not provide any clarifying information of any actions taken to separate him during his period of service. The available records contain:

a. A DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) showing the applicant enlisted in the U. S. Army Reserve (USAR) under the Delayed Entry Program (DEP) on 23 May 1984.

b. Page 3, of the DD Form 4 shows he requested discharge from the DEP and he enlisted in the Regular Army for 3 years on 3 July 1984. It further shows his DoB as
[REDACTED]

c. The applicant's DA Form 2-1 (Personnel Qualification Record) shows:

- the highest grade he held was E-4
- completion of training and award of the military occupational specialty 57H (Cargo Specialist)
- on 8 April 1986 he was not recommended for further service
- on 22 May 1986 a bar to reenlistment was reviewed and continued
- USAR service under the DEP from 23 May 1984 through 2 July 1984
- Regular Army enlistment on 3 July 1984
- discharge on 11 June 1986

d. The applicant's DD Form 214 (Personnel Separations – Enlisted Personnel) shows the applicant was honorably discharged under the provisions of Army Regulation 635-200, paragraph 16-5b in the grade of E-4. The DD Form 214 also shows his:

- date of birth as [REDACTED]
- date of entry onto active duty is shown as 3 July 1984
- date of separation as 11 June 1986
- net active service as 1 year, 11 months and 9 days
- his Separation Code as KGF
- his narrative reason for separation was a locally imposed bar to reenlistment
- a Reentry Code of 3

e. His RE code was corrected to RE-4 with the issuance of a DD Form 215 (Correction to the DD Form 214) on 27 April 1981.

f. All of the available documents containing an entry for DoB show his DoB as [REDACTED] including:

- DD Form 4
- DD Form 214

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 Board carefully considered the applicant’s contentions, the military record, and regulatory guidance. The Board noted the discrepancies between what the record reflects and what the applicant requests. The Board considered the presumption of administrative regulatory and recognized the need to preserve the record. After due consideration of the case, the Board determined the evidence presented insufficient to warrant a recommendation for relief.

BOARD VOTE:

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

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]
[REDACTED]

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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

3. Army Regulation 635-5 (Separation Documents), in effect at the time, provided:

a. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the time of release from active duty, retirement, or discharge.

b. For entries at block 12 (Record of Service), extreme care use in completing this block since post-service benefits, final pay, retirement credit, and so forth are based on this information.

(1) Item 5 (Date of Birth) – 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.

(2) Item 12a (Date Entered Active Duty This Period) enter the beginning date of the continuous period of AD for issuance of this DD Form 214, for which a DD Form 214 was not previously issued. Verify this date with appropriate enlistment documents.

(3) Item 12b (Separation Date This Period) this date may not be the contractual date if Soldier is separated early, voluntarily extends, or is extended for makeup of lost time, or retained on active duty for the convenience of the Government.

(4) Item 12c (Net Active Service This Period), the amount of service this period, computed by subtracting item 12a from 12b.

(5) Item 12e (Total Prior Inactive Service), from previously issued DD Forms 214 and/or ERB/ORB, enter the total amount of prior inactive service, less lost time, if any. DEP time prior to 1 January 1985 was creditable service for pay purposes and should be entered in this block.

(6) Item 18 (Remarks), for a Soldier who has DEP time, enter the inclusive periods of DEP time.

//NOTHING FOLLOWS//