

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 February 2023

DOCKET NUMBER: AR20230006942

APPLICANT REQUESTS: on behalf of his deceased father, a former service member (FSM), correction of his DD Form 214 (Report of Separation from the Armed Forces of the United States) to show his middle name as [REDACTED] instead of [REDACTED] and in effect, any awards authorized for his time in service.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, 31 January 1953
- Certificate of Death, [REDACTED]
- Certificate of Live Birth, [REDACTED]

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, in effect, his father's middle name was misspelled on his DD Form 214 and he needs it corrected for other formal military needs, proof of military service, and for any certificates and awards that may be presented in the future.
3. The applicant's complete military records are not available for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed that the applicant's records were lost or destroyed in that fire. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case.
4. The applicant provides the following:
 - a. A copy of the FSM's DD Form 214 for the period ending 31 January 1953.

b. A certificate of death dated [REDACTED] This document shows the FSM's middle name as [REDACTED]

c. A certificate of live birth showing the relationship between the FSM and the applicant. This certificate shows the FSM's middle name as [REDACTED]

5. A review of the FSM's available records show:

a. SF 88 (Report of Medical Examination) dated 25 January 1951, completed for the purpose of pre-induction, which shows his middle name as [REDACTED]

b. SF 89 (Report of Medical History) dated 25 January 1951, which reflects his middle name as [REDACTED]

c. He was inducted into the Army of the United States on 29 March 1951. His DD Form 47 (Record of Induction) shows his middle name in Block 1 (Last Name - First Name – Middle Name) as [REDACTED]

d. DA AGO Form 20 (Soldier's Qualification Card) shows:

- Block 1 (Name): does not reflect his middle name, only his middle initial "F."
- Block 29 (Record of Current Service): shows he served with Headquarters (HQ), Japan from an [Unclear Date] and with HQ, 3rd Battalion, 23rd Infantry, APO from 13 September 1951 to an [Unclear Date]

e. DA Form 230 (Service Record) does not reflect his middle name, only his middle initial as "F." This form shows in Section 4 (Service Outside Continental United States) that he arrived in Japan in August 1951 and arrived in Pusan, Korea in [Unclear Date].

f. A Casualty Report, which shows the FSM was wounded in battle in North Korea on 9 October 1951. The FSM was assigned to 23rd Infantry, 2nd Infantry Division. He was struck by enemy small arms fire, which penetrated his left cervical region, involving the left recurrent laryngeal nerve and the common carotid artery and internal jugular vein.

g. The FSM was honorably discharged on 31 January 1953. He served 1 year, 8 months, and 28 days during the covered period. His DD Form 214 shows his middle name as [REDACTED] His DD Form 214 shows in:

- Item 26 (Foreign and/or Sea Service): 3 months and [Unclear Days]
- Item 27 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): None

- Item 29 (Wounds Received as a Result of Action with Enemy Forces): "SFW" left side of neck, 9 October 1951

h. A Certification of Military Service, dated 20 July 1995, issued by the National Personnel Records Center, shows he served in the U.S. Army from 29 March 1951 to 31 January 1953.

6. By regulation, 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.

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 FSM's Certificate of Death confirms the correct spelling of his middle name. The Board determined this certificate is sufficient as a basis for correcting the FSM's DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	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 amending his DD Form 214 to show his middle name spelled as it is shown on his Certificate of Death.

6/3/2024

X

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 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 635-8 (Separation Processing and Documents), currently in effect, prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It states, Block 1 (Name) to compare the original enlistment contract or appointment order and review the official record for possible name changes. If a name change has occurred, list other names of record in block 18 (Remarks).

//NOTHING FOLLOWS//