

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 February 2024

DOCKET NUMBER: AR20230006958

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect his social security number as "[REDACTED]"

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

- DD Form 149 (Application for Correction of Military Record)
- Michigan Chauffeur License
- Social Security Card

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 effect, in the 1970s it was reported that someone had attempted to use his social security number of "[REDACTED]". At which time, he was issued a new social security number as "[REDACTED]". He requests the correction of his DD Form 214 to change his social security number from "[REDACTED]"

3. A review of the applicant's service record shows:

- a. The applicant enlisted in the Regular Army on 21 February 1966.
- b. DA Form 20 (Enlisted Qualification Record) shows in Item 1 (Name and Service Number): RA [REDACTED] and "[REDACTED]"
- c. On 4 April 1968, Special Orders Number 38, issued by HQs, 169th Maintenance Battalion (General Support), shows the applicant was awarded the Marksman Marksmanship Qualification Badge with M-14 Rifle Bar. The order also shows his social security number as "[REDACTED]"

d. On 2 January 1969, Special Orders Number 2, issued by HQs, 87th Engineer Battalion (Construction), shows the applicant's social security number as "[REDACTED]"

e. On 10 February 1969, General Orders Number 12, issued by HQs, 35th Engineer Group (Construction), shows the applicant was awarded the Army Good Conduct Medal. The orders also show his social security number as "[REDACTED]."

f. On 13 February 1969, Special Orders Number 44, issued by HQs, U.S. Army Personnel Center, shows the applicant's social security number as "[REDACTED]"

g. The applicant was honorably released from active duty on 14 February 1969 and transferred to the U.S. Army Reserve (USAR) Control Group (Reinforcement). DD Form 214 shows the applicant completed 2-years, 11-months, and 24-days of active service. It also shows in Item 3 (Social Security Number) "[REDACTED]."

h. On 26 January 1972, Letters Orders Number 01-1036579, issued by the USAR Components Personnel and Administration Center, the applicant was honorably discharged from the USAR, effective 20 February 1972. The orders also show his social security number as "[REDACTED]."

4. The applicant provides his social security card which shows the number to be "[REDACTED]"

#### BOARD DISCUSSION:

1. 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 of record shows he used the contested SSN during his service. The Board found no evidence he used the requested SSN 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. 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.

2. This Record of Proceedings, will be filed in his military record in order to provide clarity and to deal with any confusion that might arise regarding the difference in his SSN. Filing the Board's decisional document will also guarantee the historical accuracy of the applicant's military record regarding the SSN under which he served.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the corrections addressed in Administrative Note(s) below, 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.



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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending October 1, 1970, by:

a. Delete: Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized):

- Vietnam Service Medal
- Vietnam Campaign Medal

b. Add: Item 24:

- Vietnam Service Medal with one silver service stars
- Republic of Vietnam Campaign Medal with 1960 Device
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Marksman Marksmanship Qualification Badge with M-14 Rifle Bar

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 service ending February 14, 1969
- DA Form 20 (Enlisted Qualification Record)
- Department of the Army General Orders Number 8, dated 1974
- Headquarters, 169th Maintenance Battalion (General Support) Special Orders Number 38

3. Please correct the applicant's DD Form 214 by deleting/adding the awards shown in paragraph 1a and b above. Provide the applicant a copy of the corrections, and as applicable the medals and citations. Please ensure that the corrections are recorded in the applicant's official military personnel record.

#### 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) 635-8 (Personnel Separations – Separation Processing and Documents), provides policies, tasks, rules and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents.

a. Paragraph 5-4 (Source Documents), a. When separation is ordered, the separation approval documents must be present for transition processing to occur. Source documents must be present in a Soldier's record in order to complete the DD Form 214. Use the following documents when preparing a DD Form 214:

- Servicemember's record brief
- Separation approval documents, if applicable
- Separation order
- Any other document authorized for filing in the AMHRR

b. Paragraph 5-6c, (Block 3: Social Security Number), verify accuracy by reviewing initial enlistment contract and/or application for appointment. If the Soldier has had more than one social security number, list the other social security number of record in block 18.

//NOTHING FOLLOWS//