

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]  
[REDACTED]

BOARD DATE: 13 February 2024

DOCKET NUMBER: AR20230006994

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 31 December 1963 to show the spelling of his first name as shown on his U.S. Passport.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- U.S. Passport
- State Driver's License
- Department of Veterans Affairs Healthcare Card
- 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. The applicant states his first name is in correctly listed on his DD Form 214. His first name should read R\_\_\_l instead of R\_\_\_h.
3. He was inducted into the Army of the United States on 9 January 1962. His DD Form 47 (Record of Induction) shows the spelling of his first name as R\_\_\_h. His New York Form 20 (Acknowledgment of Service Obligation), 9 January 1962, shows he signed his first name using the spelling R\_\_\_h.
4. A review of his Official Military Personnel File revealed all applicable documents, including his DA Form 20 (Enlisted Qualification Record), show the spelling of his first name as R\_\_\_h and he authenticated those documents with his signature using the spelling of his first name as R\_\_\_h.

5. He was honorably released from active duty on 31 December 1963 and transferred to the U.S. Army Reserve Control Group (Annual Training). He completed 1 year, 11 months, and 22 days of total active service. Item 1 (Last Name – First Name – Middle Name) of his DD Form 214 shows his first name spelled as R\_\_\_h.
6. He provided copies of his U.S. Passport, driver's license, and Department of Veterans Affairs Healthcare Card showing the spelling of his first name as R\_\_\_l.

#### 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 shows he used the contested first name during his service. The Board found no evidence he used the requested first name during his service. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Additionally, 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 first name. Filing the Board's decisional document will also guarantee the historical accuracy of the applicant's military record regarding the first name under which he served.



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 (Army Board for Correction of Military Records) 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. Army Regulation 635-5 (Separation Documents), effective 13 August 1963, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparation of the DD Form 214. The purpose of a separation document is to provide the individual with documentary evidence of his/her military service. It is important that information entered thereon is complete and accurate. All available records will be used as a basis for preparation of the DD Form 214, including the DA Form 24 (Service Record), DA Form 20 (Enlisted Qualification Record), and orders. The specific instructions for item 1 stated to enter the individual's last name, first name, and full middle name or names, if any, at the time of separation.

//NOTHING FOLLOWS//