

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2024

DOCKET NUMBER: AR20230007003

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in item 9 (Date of Birth): [REDACTED] vice [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate

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 date of birth is incorrect and is causing confusion when he visits the Department of Veteran Affairs (VA).
3. On 30 December 1970, the applicant enlisted in the Regular Army. His DD Form 4 (Enlistment Record) reflects the contested date of birth as [REDACTED]
5. His DA Form 20 (Enlisted Qualification Record), created upon his enlistment, reflects the contested date of birth as [REDACTED]
6. The applicant provides his birth certificate, which reflects the requested date of birth as [REDACTED]
7. On 19 December 1972, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 11 months, and 20 days of active service. His DD Form 214 also reflects the contested date of birth in item 9 as [REDACTED]
8. There is no evidence the applicant used the requested date of birth during his military service.

9. By regulation, for item 9 (Date of Birth) of the DD Form 214, enter from DA Form 20 or DA Form 66, as appropriate.

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 shows he used the contested date of birth during his service. There isn't at least one document in his available service record to corroborate the use of the requested date of birth 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 date of birth. Filing the Board's decisional document will also guarantee the historical accuracy of the applicant's military record regarding the date of birth under which he served.

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.

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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. Army Regulation 635-8 (Separation Processing and Documents), prescribes policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. Paragraph 5-6 (Rules for completing the DD Form 214) provides detailed instructions for data required in each block of the DD Form 214. For item 9, Date of Birth, verify data accuracy by reviewing original enlistment contract and or application for appointment.

//NOTHING FOLLOWS//