

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 January 2024

DOCKET NUMBER: AR20230007018

THE APPLICANT, THE SON OF THE FORMER SERVICE MEMBER (FSM)  
REQUESTS: correction of the FSM's DD Form 214, Armed Forces of the United States Report of Transfer or Discharge, to show his correct date of birth (DOB).

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

- DD Form 149, Application for Correction of Military Record
- DD Form 214
- FSM's Death Certificate
- Applicant's State Birth Certificate with correction
- Applicant's State Driver License

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, the FSM's DOB is incorrectly shown on his DD Form 214. The DOB listed on the FSM's death certificate is the correct DOB.
3. The FSM's record is not available for review. His DD Form 214 and the applicant's supporting documents are sufficient evidence for the Board to consider this case.
4. The FSM's DD Form 214 shows he served on active duty from 4 November 1953 to 27 September 1955. Block 10, DOB, of this form contains the entry [REDACTED].
5. The applicant provides the FSM's Death Certificate. This document lists the FSM's DOB as [REDACTED].

6. Army Regulation directs that the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge.

7. For historical purposes, the Army has an interest in maintaining the integrity of its records. The data and information contained in those records should reflect the conditions and circumstances that existed at the time the records were created.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is not warranted.

2. A majority of the Board found insufficient evidence to support a conclusion that the DOB recorded on the FSM's DD Form 214 is in error. Unfortunately, the FSM's service records are not available and a majority of the Board could not determine if an error was made in the FSM's DOB. In the absence of additional documentation indicating the correct DOB had been made a matter of record during the FSM's period of military service, a majority of the Board determined the available evidence does not support changing the DOB on the DD Form 214.

3. The member in the minority determined the FSM's Death Certificate is sufficient as a basis for making the requested correction.

4. The applicant is advised that a copy of these proceedings will be filed in the FSM's reconstructed military record, which will serve to explain the difference between the DOB recorded on his DD Form 214 and the DOB shown on his Death Certificate.

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.

3/20/2024

X [REDACTED]

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CHAIRPERSON  
[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 635-5, Personnel Separations-Administrative Separation Procedures and Forms, prescribed that the DD Form 214 is to provide the individual with documentary evidence of active military service at the time of release from active duty, retirement, or discharge.

//NOTHING FOLLOWS//