

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 January 2024

DOCKET NUMBER: AR20230007098

APPLICANT REQUESTS: correction of his DD Form 214, Report of Separation from the Armed Forces of the United States, 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
- Next of Kin Birth Certificate
- Power of Attorney
- Applicant's State Driver' License (not legible)

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 DOB listed on his DD Form 214 is incorrect. He is applying for a pension, and he needs his DOB corrected.
3. The applicant's complete record is not available for review. His DD Form 214 and a Federal Bureau of Investigation, United States Department of Justice-Military (FBI DOJ) Fingerprint Card is sufficient evidence for the Board to review his case.
4. The applicant's DD Form 214 shows he was inducted into the Army of the United States on 14 June 1951.
5. On the date of his induction, the applicant had his fingerprints taken and the FBI DOJ Fingerprint card lists the contested DOB [REDACTED].
6. On 25 May 1953, the applicant was released from active duty. Block 10, DOB, of his DD Form 214 contains the contested DOB.

7. The applicant provided his State Driver’s License. The DOB listed on his license is not legible; however, the applicant states his DOB is [REDACTED].

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. In the limited records available, the Board found only the DOB the applicant states is incorrect. The Board found insufficient evidence of mitigating circumstances that would support changing the DD Form 214 when it accurately reflects the information that was available at the time the form was completed. The Board determined the DOB recorded on the applicant’s DD Form 214 should not be changed.
3. The applicant is advised that a copy of these proceedings will be filed in his Official Military Personnel File, which will serve to explain the difference between the DOB he states is correct and the DOB recorded on his DD Form 214.

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:

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 

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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 635-5, 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//