

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 January 2023

DOCKET NUMBER: AR20230007236

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States), ending on 8 January 1974, to reflect his Date of Birth (DOB) as "[REDACTED]" vice "[REDACTED]."

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

- DD Form 149 (Application for Correction of Military Record)
- Driver License/Veteran's Affairs (VA) Identification Card/Birth Registration 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, his DOB is listed incorrectly on his DD Form 214 and needs to be corrected.

3. A review of the applicant's available service record reflects the following:

a. On 30 June 1972, he enlisted in the Regular Army. DD Form 4 (Enlistment Contract Armed Forces of the United States) shows in item 21 (Date of Birth)

"[REDACTED]."

b. DA Form 20 (Enlisted Qualification Record), item 6 (Date of Birth) shows

"[REDACTED]."

c. DD Form 214 reflects an honorable discharge from active duty with service from 30 June 1972 to 8 January 1974. Item 9 (Date of Birth) shows "[REDACTED]."

4. The applicant provides a photocopy of his driver license/VA Identification Card, and Birth Registration Card all reflecting his DOB as "[REDACTED]."

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 Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board noted that the applicant's date of birth is consistent across his military records as reflected on his supporting enlistment document, Form 20 and DD214. The Board further noted that of the documentation available for review, the two that do not reflect the requested date of birth, a birth registration card and driver's license, are external to the Department of Defense. As the applicant has the burden of proving an error or injustice and given the presumption of administrative regularity, after due consideration of the request, the Board determined the evidence presented insufficient to warrant a recommendation for relief.

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 Board determined 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, 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 635-5 (Separation Documents), in effect at the time, prescribes policies and procedures for the completion of the DD Form 214. Source documents include the DA Form 20, DA Form 201 (Military Personnel Records Jacket), DD Form 4, as well as orders. The date of birth to be shown on the DD Form 214 is taken from these source documents.

//NOTHING FOLLOWS//