

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 February 2024

DOCKET NUMBER: AR20230007389

APPLICANT REQUESTS: correction of DD Form 214 (Report of Separation from Active Duty), item 1 (Last Name, First Name, Middle Name) for the period ending 21 October 1976 to reflect the first name of [REDACTED] rather than [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Wisconsin Certificate of Live Birth
- DD Form 214, 21 October 1976
- Driver License
- Last Will and Testament

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 in pertinent part that his DD Form 214 is incorrect as it does not accurately reflect his birth name. He contests that this error is impacting his ability to have "Veteran" placed on his driver license. He notes that this was just a simple mistake.
3. A review of the applicant's available service records reflects the following:
  - a. On 31 October 1974, the applicant enlisted in the Regular Army for 2 years to serve as an 11B (Infantryman). At the time of his enlistment, the applicant completed DA Form 3284-R (Applicant's Statement of Name Change) indicating that he preferred to utilize the first name [REDACTED] rather than the name [REDACTED] recorded on his birth certificate. The applicant acknowledged that he had not changed his name through any court procedure and preferred to use the name [REDACTED] rather than [REDACTED]

b. On 21 October 1976, the applicant was released from active duty and transferred into the U.S. Army Reserve (USAR) Control Group (Annual Training). DD Form 214, item 1 (Last Name, First Name, Middle Name) reflects [REDACTED]

c. On 24 September 1980, the Reserve Components Personnel and Administration Center issued Orders Number 09-1066238 honorably discharging the applicant from the USAR, effective 20 October 1980. The applicant's first name is listed as [REDACTED]

4. The applicant provides the following a:

a. Wisconsin Certificate of Vital Record reflective of the applicant being born on [REDACTED] with the first name [REDACTED]

b. Driver License reflective of the applicant's first name as [REDACTED]

c. Last Will and Testament reflective of the applicant's first name as [REDACTED]

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The Board determined the evidence presented does demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. However, upon review of the applicants petition and available military records the Board determined the overall merits of this case are sufficient as a basis for correction of the records of the individual concerned. The Board agreed adding in item 18 (Remarks) the applicant's name shown on his certificate of vital records reflecting also known as (A.K.A) was appropriate.

2. Furthermore, during deliberation, the Board determined the applicant's service record did not reflect he was awarded the National Defense Service Medal (NDSM) and the Army Good Conduct Medal (1st award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of 31 October 1974 to 21 October 1976. Based on this, the Board granted relief to correct the applicant's record for his request name change and award of the National Defense Service Medal and the Army Good Conduct Medal.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by awarding the applicant the National Defense Service Medal (NDSM) and the Army Good Conduct Medal (1st Award) for exemplary service from 31 October 1974 to 21 October 1976 and adding the medal to his DD Form 214 for the period ending 21 October 1976 and adding in item 18 (Remarks) Also Known As (A.K.A) the applicant's name as it appears on his Certificate of Vital Records.

3/29/2024

X

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CHAIRPERSON

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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 (AR) 601-210 (Personnel Procurement Qualifications and Procedures for Processing Applicants for Enlistment and Reenlistment in the Regular Army) in effect at that time provides that in order that service claimed may be readily identified, requests for verification of prior service will contain the exact name under which the individual served, service number, organization from which last discharged, and type of discharge claimed.

a. Before any applicant signs the record of induction, the recruiting officer will explain the nature of the service to which an enlisted person is entitled by law. Recruiting officer will carefully explain the individual's liability about false representations in statements made by him.

b. Before an applicant signs a prescribed form, the recruiting officer will carefully compare locally used forms with prescribed forms to ensure that entries correspond. Any changes with respect to branch for which enlisted, period of enlistment, assignment, preference, emergency addressee, designation of beneficiary, spelling of name, or declaration of applicant will be specifically called to the attention of the applicant for verification. The correctness of all entries on basic forms will be firmly established to the satisfaction of all concerned before signatures are obtained. Necessary corrections and/or erasures will be initialed by the applicant and the recruiting officer prior to the administration of the oath.

c. The recruiting officer will verify the age of every man applying for enlistment from civilian life who states he is under 21 years of age, or who claims a greater age but whose personal appearance indicates he may be under 21. The recruiting officer will require the applicant to present a birth certificate or a statement from the State Registrar of Vital Statistics, or other similar State official.

3. AR 635-5 (Separation Documents) in effect at the time, prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It establishes standardized policy for the preparation of the DD Form 214. For item 1, enter name in all capital letters. Include "Jr," "Sr," or "II" when needed, at the time of separation. This regulation also states 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.

//NOTHING FOLLOWS//