

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2024

DOCKET NUMBER: AR20230007452

APPLICANT REQUESTS: correction of item 1 (Last Name – First Name – Middle Name) on his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his middle name as "Ga___," vice "Ch___."

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

- DD Form 149 (Application for Correction of Military Record)
- One Marriage License
- Two Marriage Certificates
- Two Certifications of Birth
- Documents associated with the purchase of property
- Department of Veterans Affairs (VA) Identification Card
- Social Security Card
- Driver License
- Medicare Card
- Health Insurance Card
- Two Prescription Drug Cards
- National Personnel Records Center Letter
- DD Form 4 (Enlistment Record – Armed Forces of the United States)
- DA Form 24 (Service Record)
- DA Form 20 (Enlisted Qualification Record)
- VA Letter

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, at the time he enlisted, he wanted his middle name to be "Ch___," not realizing this would require legal action in a court of law. To keep all of

his legal documentation in correct standing, he asks that the Board amend his DD Form 214 to show the middle name listed on his birth certificate ("Ga__").

3. The applicant provides his birth certifications; marriage documents; records associated with the applicant's purchase of property; and his driver license and identification cards. All documents reflect either a middle initial of "G." or a middle name of "Ga__."

4. A review of the applicant's service records reveal the following:

a. On 8 September 1961, the applicant's guardian (Ms. M__ F__, applicant's aunt) completed a DD Form 373 (United States Armed Forces Consent, Declaration of Parent or Legal Guard (For the Enlistment of a Minor in the U.S. Armed Forces)). The applicant's guardian indicated her consent for the applicant to enlist into a component of the U.S. Armed Forces, and the form stated the applicant's middle name was "Ch__."

b. On 11 September 1961, the applicant enlisted into the Regular Army for 3 years; he was 17 years old; his DD Form 4 shows "Ch__" as his middle name. On 28 February 1962, the applicant signed a DD Form 398 (Statement of Personal History) that listed his middle name as "Ch__."

c. On 10 September 1964, the Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve. His DD Form 214 lists his middle name as "Ch__."

d. A review of the applicant's available service records reveals no documents reflecting the applicant's middle name as "Ga__."

5. The Board has an interest in maintaining the accuracy of its records; for historical purposes, the data and information contained in those records should reflect the conditions and circumstances, as they existed at the time of the records' creation.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows he used the contested middle name (Ch__) during his service. There isn't at least one document in his available service record to corroborate the use of the requested middle name (Ga__) 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 middle name. Filing the Board’s decisional document will also guarantee the historical accuracy of the applicant's military record regarding the middle name under which he served.

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.

<p>■</p> <p>■</p> <p>■</p>

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, prescribed policies and procedures for the preparation of the DD Form 214. The regulation directed DD Form 214 preparers to use source documents to verify the accuracy of entries; concerning entries for item 1 of the DD Form 214, the regulation stated, "Enter last name, first name, and full middle name or names, if any."

//NOTHING FOLLOWS//