

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230007527

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his middle name to be changed from [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Social Security Card
- California Driver's License
- Birth Certificate
- DD FORM 214 (Armed Forces of The United States Report of Transfer or Discharge)

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 he would like for his middle name to be changed on his DD Form 214. His DD Form 214 shows his middle name as [REDACTED], and he would like for it to read as [REDACTED].
3. The applicant provides:
 - a. A copy of his social security card, which shows his middle name as [REDACTED].
 - b. A copy of his driver's license issued by the state of California, which shows his middle name as [REDACTED].
 - c. A copy of his birth certificate issued by the Texas Department of Health which show his middle name as [REDACTED]

d. A copy of his DD Form 214, which shows he was inducted into the United States Army on 25 October 1967, and his middle name shows as [REDACTED].

4. A review of the applicant's service record shows:

a. DD Form 47 (Record of Induction) show she was inducted into the Army of the United States on 25 October 1967. His middle name is listed as [REDACTED]

b. DA Form 873 (Certificate of Clearance and/or Security Determination Under EO 10450), which granted a Secret clearance on 8 August 1968, shows his middle name as [REDACTED]

c. The applicant's DD Form 214 shows:

- he was inducted into the United States Army on 25 October 1967
- his middle name in block 1, shows as [REDACTED]
- he was honorably discharged on 15 October 1969

5. By regulation (AR 635-5), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Item 1 states enter name in order shows on DD Form 214, using all capital letters, and including abbreviation for junior, senior, second, when appropriate.

BOARD DISCUSSION:

1. 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 during his service. There isn't at least one document in his available service record to corroborate the use of the requested middle name 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.



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 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for Item 1 (Name). Enter name in order shown on DD Form 214, using all capital letters, and including abbreviation for junior, senior, second, when appropriate.

//NOTHING FOLLOWS//