

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230007656

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his social security number (SSN) as [REDACTED] (SSN A) vice [REDACTED] (SSN B).

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

- DD Form 149 (Application for Correction of Military Record)
- Statement in Support of Claim
- IRS Correspondence, December 2020, reflective of requested SSN

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 his recruiter have him this SSN upon entering the Army in 1979. He has recently filed a claim for disability, and he needs his SSN corrected.
3. Review of the applicant's service records shows:
 - a. The applicant enlisted in the U.S. Army Reserve under the Delayed Enlistment Program (DEP) on 14 August 1979. Item 2 (SSN) of his DD Form 4 (Enlistment/ Reenlistment Agreement) listed her SSN as [REDACTED] (the contested SSN B).
 - b. His DD Form 1966 (Record of Military Processing) and all allied enlistment documents also listed his SSN as [REDACTED] (the contested SSN B). One entry shows the recruiter verified the applicant's SSN.
 - c. The applicant was discharged from the DEP and enlisted in the Regular Army on 21 August 1979. All documents in his service record listed her SSN as [REDACTED] (the contested SSN B), and include:

- DA Form 2-1, Personnel Qualification Record
- Separation Packet and orders
- Record of Nonjudicial Punishment
- Bar to Reenlistment
- DD Form 93, Record of Emergency Data
- SGLV Certificate
- Various reassignment orders
- Medical records
- Security Termination Statement

d. He was honorably discharged from active duty on 27 August 1989 under the Expeditions Discharge Program with a general, under honorable conditions discharge. His DD Form 214 shows in Block 3 (SSN) the entry [REDACTED] (the contested SSN B).

4. He provides correspondence from the IRS pertaining to tax year 2020 reflective of his name and Tax Identification Number that reads [REDACTED] (the requested SSN)

5. By regulation, 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.

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 the applicant used the contested SSN during his service. There isn't at least one document in his available service record to corroborate the use of the requested SSN 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 SSN. Filing the Board's decisional document will also guarantee the historical accuracy of the applicant's military record regarding the SSN under which he served.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : 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.

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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, 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 at the time of 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 3 stated to verify the accuracy with the SSN of record.

//NOTHING FOLLOWS//