

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 April 2024

DOCKET NUMBER: AR20230007933

APPLICANT REQUESTS: his date of birth to be corrected on his DD Form 214 (Report of Separation from the Armed Forces of the United States) to show [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- [REDACTED] Driver's License
- Social Security Card
- United States Passport
- Birth Certificate
- DD Form 214

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 went to the Veterans Administration (VA) regional office to turn in paperwork when the representative noticed that his Date of Birth (DOB) listed on his DD Form 214 did not match his birth certificate or driver's license. His date of DOB on his DD Form 214 item 10 (Date of Birth) should show [REDACTED] instead of [REDACTED].

3. The applicant provides:

- a. His driver's license issued by the state of [REDACTED] with a DOB of [REDACTED].
- b. His passport issued by United States of America with a DOB of [REDACTED].
- c. His certificate of birth issued by the state of [REDACTED] with a DOB of [REDACTED].

d. His DD Form 214 shows his DOB in item 10 (Date of Birth) as [REDACTED].

4. The applicant’s service record is not available for the Board to review; however, the DD Form 214 provided by the applicant shows he was inducted into the United States Army on 26 February 1951, and honorably discharged on 25 February 1953. It also shows he completed 2 years, 0 months, and 0 days of active service.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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 date of birth (DOB) during his entire period of service. The Board determined the overall merits of this case are sufficient as a basis for correction of the records of the individual concerned. Upon review of the applicant’s petition and available military records, the Board determined there is sufficient evidence to partially support the applicant’s contentions.

2. 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. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. However, the Board agreed amending the applicant’s DD Form 214 to add also known as in block 38 (Remarks) is warranted. Therefore, the Board granted partial relief.

BOARD VOTE:


<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
[REDACTED]	[REDACTED]	[REDACTED]	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:


1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending to show in block 38 (Remarks) also known as (A.K.A) his date of birth as shown on his certificate of live birth.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to correction of his date of birth on his DD Form 214

5/14/2024



CHAIRPERSON



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. Special Regulation 615-360-1 (Enlisted Personnel Discharge Procedure and Preparation of Separation Forms), in effect at the time, provided an outline of procedures to be followed effecting discharge of enlisted personnel and described the proper method of executing and disposing of the various forms, records, and reports required. The regulation provides that the entries for item 10 (Date of Birth) of the DD Form 214 are self-explanatory.

3. Army Regulation 635-8 (Separation Processing and Documents) currently effect, state 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.

//NOTHING FOLLOWS//