

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 January 2024

DOCKET NUMBER: AR20230007937

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 10 December 1973 to show his date of birth (DOB) as [REDACTED] instead of [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Live Birth, [REDACTED]
- DD Form 214, 10 December 1973
- NGB Form 22 (Report of Separation and Record of Service in the Army National Guard (ARNG) of [REDACTED] and as a Reserve of the Army), 13 December 1973
- NGB Form 23 (National Guard Bureau Retirement Credits Record), undated

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 the DOB on his DD Form 214 is incorrect and needs to be corrected to show [REDACTED]

3. The applicant's military records are not available for review. However, there are sufficient documents to conduct a fair and impartial review of this case.

4. The applicant provides the following:

a. A certificate of live birth, which reflects his DOB as [REDACTED]

b. His DD Form 214, which shows he was honorably released to the ARNG of Tennessee on 10 December 1973. He completed 1 month and 18 days of net active service this period. This document shows in item 9 (DOB), [REDACTED]

c. Special Orders Number 248, issued by the Office of the Adjutant General, National Guard Armory, [REDACTED], dated 13 December 1973, which shows he was honorably discharged from the ARNG, effective 13 December 1973. This document does not show his DOB.

d. NGB Form 22, which shows he was honorably discharged from the ARNG of [REDACTED] on 13 December 1973. This document reflects his DOB as [REDACTED]

e. His NGB Form 23, which shows he was a member of the ARNG from 29 August 1973 to 10 December 1973. This document does not show his DOB.

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 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. One potential outcome was to deny relief based on the interest in maintaining the integrity of the records for historical purposes. However, upon review of the applicant's petition and available military records, the Board determined 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. The Board recommended the applicant seek assistance through the social security administration (SSA) office for correction of his DOB and they will be able to merge the dates of birth as well and notify the department of veteran affairs of the correction. Based on this, the Board granted relief to correct the applicant's record by adding in the Remarks of his DD Form 214 also known as (AKA) with his correct date of birth as reflected on his certificate of live birth.

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 the Army records of the individual concerned be corrected to show in item 30 (Remarks) Also known As (AKA) his date of birth as shown on his certificate of live birth.

2/6/2024

X █

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. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from

active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The version in effect at the time stated that Item 9 (DOB) was self-explanatory.

3. Army Regulation 635-8 (Separation and Processing Documents), currently in effect, states 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. For Block 5 (DOB), it states verify data accuracy by reviewing original enlistment contract and/or application for appointment.

//NOTHING FOLLOWS//