

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 February 2024

DOCKET NUMBER: AR20230007974

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) for the period ending 13 May 1975, 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]
- Identification Card, [REDACTED]
- DD Form 214, 13 May 1975

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, in effect, the DOB on his DD Form 214 is incorrect, and it needs to be corrected for future benefits. His DOB must be updated so that he is eligible to receive assistance with home repairs with Habitat for Humanity.
3. The applicant provides the following:
  - a. A copy of his certificate of live birth which reflects the requested DOB, [REDACTED]
  - b. His identification card dated [REDACTED] which shows his DOB as [REDACTED]
  - c. His DD Form 214 for the period ending 13 May 1975.
4. A review of the applicant's service records shows:

a. He enlisted in the Regular Army on 10 April 1973. His DD Form 4 (Enlistment Contract – Forces of the United States) shows in Block 21 (DOB), [REDACTED] He was 18 years of age at the time of enlistment.

b. DA Form 2 (Personnel Qualification Record) shows his DOB as [REDACTED]

c. The applicant was honorably discharged on 13 May 1975, for immediate reenlistment. His DD Form 214 shows in Item 4 (DOB), [REDACTED]

d. He reenlisted on 14 May 1975. His DD Form 4 shows in Block 21 (DOB), [REDACTED]

e. The applicant was discharged under other than honorable conditions on 28 January 1976. His DD Form 214 shows in Item 4 (DOB), [REDACTED]

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:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.

2. The Board found the applicant's date of birth was consistently recorded as a date in 1954 throughout his period of military service. The Board found insufficient evidence of mitigating factors that would support changing an entry on a DD Form 214 that accurately reflects the information that was available at the time the form was completed. Based on a preponderance of the evidence, the Board determined the date of birth shown on the applicant's DD Forms 214 should not be changed.

3. The applicant is advised that a copy of these proceedings will be filed in his Official Military Personnel File, which will serve to explain the difference between the date of birth on his DD Forms 214 and the date shown on his Certificate of Live Birth.

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.

6/3/2024

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 4 (DOB) was entered using all numerals, e.g., 73 for year, 01 for January.

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//