

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 March 2024

DOCKET NUMBER: AR20230007994

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect his "requested middle name" as shown on his Birth Certificate, instead of the "contested middle name" reflected on his DD Form 214.

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate (Italian born)
- Medical Health Insurance Card
- United States of America Passport

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. There are no documents in the applicant's available service records reflecting the requested middle name. All of the documents in the applicant's military record, to include the below sampling, show the contested middle name or initial:
  - DA Form 47 (Record of Induction)
  - DD Form 398 (Statement of Personal History)
  - Enlisted Personnel Data Form
  - DA Form 20 (Enlisted Qualification Record)
  - DD Form 214
3. The applicant provided copies of his Birth Certificate, Medical Health Insurance Card, United States Passport, and Michigan Driver License in support of his request. These documents all show the requested middle name or initial.

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.
2. The Board found the applicant used the name recorded on his DD Form 214 throughout his period of military service. The Board found insufficient evidence of mitigating factors that would support a recommendation to alter an entry on the DD Form 214 that was correct when the form was created. The Board determined the name recorded on the applicant's DD Form 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 name recorded on his DD Form 214 and the name he now uses.

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 (Last Name – First Name – Middle Name) stated to enter the last name, first name, and full middle name or names, if any.

//NOTHING FOLLOWS//