

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 1 March 2024

DOCKET NUMBER: AR20230008156

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) for the period ending 6 February 1979 to show his date of birth (DOB) as shown on his State identification card (requested DOB).

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- State Identification Card

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 DOB is incorrectly listed on his DD Form 214, which is impacting his Department of Veterans Affairs financial transactions.

3. A review of the applicant's military record shows all of the documents in his military record containing a DOB, including but not limited to the below, which he authenticated with his signature, reflect the contested DOB:

- Item 11 (DOB) of his DD Form 1966 (Application for Enlistment – Armed Forces of the United States), 11 February 1976
- Item 7 (DOB) of his DD Form 4 (Enlisted or Reenlistment Agreement – Armed Forces of the United States) , 11 February 1976
- Item 4 (DOB) of his DD Form 214, ending 6 February 1979

4. He did not provide a copy of his birth certificate, but he did provide a copy of his State identification card showing his requested DOB.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted. The applicant's contentions, his military records, and regulatory guidance were carefully considered.
2. Although the applicant requests correction of his military records to show his DOB as shown on his State identification card, all documents in his military service records show he served in the Regular Army using a different DOB.
3. For historical purposes, the Army has an interest in maintaining the accuracy of its records. The data and information contained in those records should reflect the conditions and circumstances that existed at the time the records were created. In the absence of a showing of material error or injustice, there is a reluctance to recommend that those records be changed. While it is understandable the applicant desires to now record his requested DOB in his military records, there is not a sufficiently compelling reason for compromising the integrity of the Army's records at this late date.
4. The applicant is advised that a copy of this decisional document, along with his application and the supporting evidence he provided which confirms his correct DOB, will be filed in his official military personnel file (OMPF). This should serve to clarify any questions or confusion in regard to the difference in the DOB recorded in his military records and to satisfy his desire to have his requested DOB to be documented in his OMPF.

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), effective 15 March 1978 and in effect at the time, prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service. It establishes standardized policy for preparing and distributing the DD Form 214. The specific instructions for item 4 (DOB) stated to enter the date in the order shown using numerals (e.g., 38 for year, 01 for January, and 06 for day).

//NOTHING FOLLOWS//