

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 March 2024

DOCKET NUMBER: AR20230008347

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) item 1 (Last Name, First Name, Middle Name) to show his requested first name as listed on his certificate of birth, instead of his contested first name, as listed on his DD Form 214.

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

- DD Form 149 (Application for Correction of Military Record)
- Social Security Card
- Driver License
- Certificate of Birth
- Pharmacy Refill Document

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 receives a monthly compensation check from Veterans Administration that reflects his contested name and it should be his requested name.
3. The applicant provides his social security card, driver's license, birth certificate, and pharmacy refill document, all reflecting the requested first name.
4. A review of the applicant's service records, including but not limited to the below, show all the documents in his service record, many of which he authenticated with his signature, reflect the contested name:
  - DD Form 4 (Enlistment Contract – Armed Forces of the United States)
  - DA Form 2-1 (Personnel Qualification Record – Part II)
  - DD Form 214

5. 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 and all supporting evidence, the Board determined that no relief was warranted. The evidence presented shows the applicant used the contested name throughout the duration of his military service. This was not an error or injustice.
2. These proceedings will be placed in his Official Military Personnel File (OMPF) to clarify any confusion concerning his current name and the name he served under while performing military service.

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.

//NOTHING FOLLOWS//