

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 March 2024

DOCKET NUMBER: AR20230008352

APPLICANT REQUESTS: in effect, correction of his date of birth (DOB) on his two DD Forms 214 (Report of Separation from the Armed Forces of the United States), respectively addressing separations on 22 July 1952 and 27 June 1956.

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, his DD Forms 214 inaccurately state his DOB; while the month is correct, the day and year are wrong. Instead of "17" (month) "XXX1," his DOB should be "20" (month) "XXX2." The error occurred when he entered the Puerto Rico Army National Guard (PRARNG); his parents misunderstood what date they were supposed to provide. The applicant adds:

a. In or around January 1953 and while on active duty in Puerto Rico, they assigned him to combat duty in Korea. He ended up being wounded in the neck and right scapula, and they medically evacuated him first to an Army Hospital in Tokyo, Japan, and later to San Antonio, TX, where he stayed for 4 months.

b. In September 1953, he returned to Puerto Rico, but then served overseas in Germany until his return in July 1955. The Regular Army discharged him and he was immediately enrolled in the PRARNG until August or September 1958. Throughout his term of military service, he never made any changes to his DOB; as a result, he is now supplying his birth certificate to more accurately state his DOB.

c. The applicant provides a birth certificate listing his DOB as, "20" (month) "XXX2."

3. A review of the applicant's available service record reveals the following:

a. On 6 March 1949, the applicant enlisted in the PRARNG for 3 years; items 16 (DOB) and 17 (Age) on his War Department (WD) National Guard Bureau (NGB) Form 21 (Enlistment Record) reflect his DOB as "17" (month) "XXX1" and state his age as 18. (Contrary to the age listed on the enlistment document, the applicant's actual age was 17, when applying the DOB and enlistment date stated on the form, and 16, if using the DOB on the applicant's birth certificate).

b. On 10 September 1950, and per the order of the President of the United States, the applicant entered active duty and was assigned to an infantry company at Camp Tortuguero, PR. On 22 July 1952, the Army honorably discharged the applicant; his DD Form 214 shows he completed 1 year, 10 months, and 13 days of net active duty service. Item 10 (DOB) lists "17" (month) "XXX1" as his DOB, and item 27 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized) states, "None."

c. On 23 July 1952, the applicant enlisted into the Regular Army for 3 years; his DD Form 4 (Enlistment Record – United States Army) shows his DOB is "17" (month) "XXX1."

d. In January 1953, the applicant departed PR, and, on 9 March 1953, he arrived in Korea. On 17 April 1953, the applicant incurred wounds as a result of an enemy artillery attack, and he was medically evacuated first to Japan, then to the Army hospital at Fort Sam Houston, TX; he arrived at the Army hospital, on 14 June 1953. On or about 28 August 1953, medical authority released the applicant and returned him to duty. In or around October 1953, the applicant arrived back in Puerto Rico and was assigned to an infantry company at Camp Losey, PR.

e. In or around July 1955, the applicant received reassignment instructions for Germany; on 22 July 1955, he extended his enlistment by 1 year. On 1 October 1955, he arrived at his new unit, an infantry company in Germany. On or about 18 May 1956, he completed his Germany tour, and orders reassigned him back to Fort Buchanan, PR for separation processing.

f. On 27 June 1956, the Army honorably discharged him, per Army Regulation (AR) 635-205 (Personnel Separations – Discharge and Release – Convenience of the Government – Early Release of Overseas Returnees). His DD Form 214 shows he completed 3 years, 11 months, and 5 days of his 4-year enlistment contract. Item 10 states the applicant's DOB is "17" (month) "XXX1"; item 27 reflects the following awards: Army Good Conduct Medal (1st Award), Purple Heart, National Defense

Service Medal, United Nations Service Medal, and Korean Service Medal with one bronze service star.

4. The Board has an interest in maintaining the accuracy of its records; for historical purposes, the data and information contained in those records should reflect the conditions and circumstances, as they existed at the time of the records' creation.

BOARD DISCUSSION:

1. The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted.

2. The Board considered the applicant's request for correction of his DOB on his DD Forms 214 ending 22 July 1952 and 27 June 1956, determined there was no error nor injustice, as the information was consistently used during his military service.

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, USC, 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. AR 635-5, in effect at the time, stated the purpose of separation documents was to provide the individual with documentary evidence of his/her military service. DD Form 214 preparers were to use all available records, to include enlistment documents, the Soldier's DA Form 24 (Service Record) and DA Form 20 (Enlisted Qualification Record), as sources for the entries in the DD Form 214. The regulation stated item 10 (DOB) was self-explanatory.

//NOTHING FOLLOWS//