

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2024

DOCKET NUMBER: AR20230008374

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect his date of birth (DOB), specifically his year of birth, as 1971 in lieu of 1969.

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

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

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 the year of birth reflected on his DD Form 214 is incorrect.
3. The applicant's service record shows he enlisted in the U.S. Army Reserve for 8 years on 14 July 1989 and he subsequently enlisted in the Regular Army for a period of 4 years on 21 June 1990.
4. All of the documents in his military record listing his date of birth, to include the below documents, reflect the contested DOB.
 - DD Form 4/1 (Enlistment Contract - Armed Forces of the United States)
 - DA Form 2A (Personnel Qualification Record, Part I)
 - DD Form 214
5. He was discharged on 5 November 1992.
6. The applicant provided a Certification of Birth reflecting the requested DOB. His available service record does not contain any documents reflecting the requested DOB.

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 noted the applicant's DOB is consistently recorded as a date in 1969 throughout his military service record. The Board found insufficient evidence of mitigating factors that would support changing an entry on the DD Form 214 that accurately reflects the information available at the time the form was completed. Based on a preponderance of the evidence, the Board determined the DOB on the applicant's DD Form 214 should not be changed.

3. The applicant is advised that a copy of these proceedings will be placed in his Official Military Personnel File, which will serve to explain the difference between the DOB shown on his DD Form 214 and the DOB on his Certification of Birth.

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.



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) 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 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.

//NOTHING FOLLOWS//