

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 March 2024

DOCKET NUMBER: AR20230008381

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) by amending the following:

- change item 9 (Date of Birth (DOB)) so that the day of his birth is "2" vice "3"
- revise item 21 (Home of Record (HOR) at time of Entry into Active Duty) to show Post Office (P.O.) Box "306," vice PO Box "1"

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate
- DD Form 214

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 both the day of his birth and his mailing address were wrong in his original military record. In support of his claim, the applicant provides a copy of his birth certificate; he offers no documentary evidence for changing his P.O. Box.

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

a. On 13 March 1968, the applicant's Selective Service Board completed his DD Form 47 (Record of Induction); both item 3 (Home of Record) and item 3a (Current Address) both list "Box 1," along with city and state for his address. Also, item 5 (Date of Birth) shows 3, Month, Year.

b. On 11 April 1968, the Army of the United States (AUS) inducted the applicant for a 2-year of obligated active duty service. Upon completion of initial entry training and

the award of military specialty 70 A (Clerk Typist; (later changed to 71B)), orders assigned him to Fort Huachuca, AZ; he arrived at his new unit, on 28 August 1968.

c. On or around December 1968, the applicant received reassignment instructions for Hawaii; he arrived at his unit (Tripler Army Medical Center), on 24 February 1969.

d. On 27 July 1969, the applicant completed a DD Form 398 (Statement of Personal History). He listed his own DOB as 3 Month, Year. He also placed a handwritten entry that shows from 1949 to 1968, his residence was Box 1 in his home city and state.

e. The applicant's DA Form 20 (Enlisted Qualification Record), which was created upon his entry on active duty also listed his DOB as 3 Month Year.

f. On 7 April 1970, the AUS honorably released the applicant from active duty and transferred him to the U.S. Army Reserve (USAR) for the remainder of his military service obligation. His DD Form 214 shows he completed 1 year, 11 months, and 27 days of his 2-year AUS obligation.

- Item 9 (Date of Birth) shows 3 Month Year
- Item 21 reflects the applicant's HOR as "Box #1," then lists city and state.

g. On 20 March 1974, U.S. Army Reserve Components Personnel and Administration Center Letter Orders honorably discharged the applicant from the USAR, effective 1 April 1974. The applicant's address on the order shows "Box 1," city and state.

5. 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:

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.

a. Date of Birth: Deny. The evidence of record shows he used the contested date of birth, 3rd day of the Month/Year, during his service, not the 2nd day of the Month/Year. The Board considered the possibility that the contested DOB was incorrectly entered due to what could be an administrative oversight, since it is off by one day. However, the Board also noted that the applicant himself hand-wrote this date of birth on his Statement of Personal History as the 3rd day of the month. Although this date of birth is off by one day, the Board found no evidence he used the requested DOB during his

service. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created, unless there is sufficient evidence that shows a material error or injustice.

b. Home of Record (HOR) at time of Entry into Active Duty: Deny. Again, the Board noted that the applicant completed a Statement of Personal History and indicated that from 1949 to 1968, his residence was Box 1 in his home city and state. His Record of Induction listed a similar address. As such, his DD Form 214 correctly listed this address in Block 21. The Board found no error or injustice.

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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 induction documents, as sources for the entries in the DD Form 214. The regulation stated that, for item 21 (HOR at Time of Entry into Active Duty) preparers were to entry the address listed on the induction record, regardless of the place the Soldier was physically located at time of entry on active duty.

//NOTHING FOLLOWS//