

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 February 2024

DOCKET NUMBER: AR20230008491

APPLICANT REQUESTS: Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 12 September 1981 to change the order of his first and middle names.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 DD Form 214
- Birth Certificate
- Social Security Card
- Driver's License

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 first and middle names are reversed.
3. The applicant enlisted in the Regular Army for 3 years on 14 September 1978.
4. The available record does not include his original enlistment documents and all of the available service records for this period show his name as [REDACTED]
5. The applicant was released from active duty on 12 September 1981. His DD Form 214 shows the contested order of his first and middle names. He signed the form with the first name [REDACTED]
6. The applicant enlisted in the [REDACTED] Army National Guard on 6 November 1982 under the name [REDACTED]. He served until he was discharged on 7 September 1984. His National Guard Bureau Form 22 (Report of Separation and Record of Service) shows his name as [REDACTED]

7. The applicant's birth certificate, SSN card, and driver's license all show his name as

██████████

8. 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.

BOARD DISCUSSION:

After reviewing the application and, all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. One potential outcome discussed was to grant relief based upon the closeness in nature of the name currently reflected and the requested name. However, based upon all available records within the applicant's record showing the contested name and the lack of any justification from the applicant as to how the original error occurred, the Board concluded there was insufficient evidence of an error or injustice warranting a correction to the name reflected on the applicant's DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	████	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
████	████	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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.
2. The applicant is advised that a copy of this decisional document will be filed in his official military personnel file. This should serve to clarify any questions or confusion in regard to the difference in his name recorded in his military record and the name currently being used by the applicant.

5/20/2024

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CHAIRPERSON

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) prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active duty service, or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 and states the service members name is taken from the enlistment documents and compared with the Enlisted Record Brief or DA Form 2-1 for possible name change.

//NOTHING FOLLOWS//