

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 February 2024

DOCKET NUMBER: AR20230008515

APPLICANT REQUESTS: Correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his date of birth (DOB) as [REDACTED]
[REDACTED]

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, 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 DOB is incorrect. He registered for the draft to use it to show he was 18 years old so he could get a job. He is filing for a Department of Veterans Affairs disability and they will not adjudicate his claim until the DOB is amended.
3. The applicant was inducted into the Army of the United States on 3 November 1966.
4. All of the applicant's available military records show his DOB as [REDACTED]
5. The applicant was released from active duty and transferred to the U. S. Army Reserve Control Group (Annual Training) on 1 November 1968. The DD Form 214 issued at this time shows a DOB of [REDACTED]
6. The Birth Certificate provide by the applicant shows his DOB as [REDACTED]

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 provided birth certificate. However, based upon the applicant’s record reflecting the contested date of birth throughout his record and the importance of Army records reflect the information provided at the time of service, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant’s DOB.

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 DOB recorded in his military record and the DOB he is currently requesting.

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. Prior to closing the case, the Board did note the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.

5/20/2024

X [REDACTED]

CHAIRPERSON
[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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's record shows his DD Form 214 for the period ending 1 November 1968 is missing important entries that do not require Board action. As a result, amend the DD Form 214 by adding the following:

- Purple Heart (2nd Award)
- Combat Infantryman Badge
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

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 DOB is

taken from the enlistment documents and should be compared with the Enlisted Record Brief or DA Form 2-1 for possible changes or corrections.

//NOTHING FOLLOWS//