

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 February 2024

DOCKET NUMBER: AR20230008882

APPLICANT REQUESTS: in effect, the following corrections of his DD Form 214 (Certificate of Release or Discharge from Active Duty) and NGB Form 22 (Report of Separation and Record of Service):

- delete the "contested name" and replace it with the "requested name" as it appears on his court order, dated 29 November 2006
- delete the "contested social security number (SSN)" and replace it with the "requested SSN" as reflected on his Social Security Administration (SSA) card

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

- DD Form 149 (Application for Correction of Military Record)
- Court Order name change, 29 November 2006
- DD Form 214
- North Carolina Driver License
- SSA card

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 he remarried in 2005 and legally removed "[REDACTED]" from his name in 2006. He requests correction of his service record to include his DD Form 214 and NGB Form 22 to show the requested name and SSN.
3. The Board will not consider the applicant's request to correct his NGB form 22. Army Regulation (AR) 15-185 (ABCMR) provides the policy and procedures under which the Board operates. Paragraph 2-5 states the Board will not consider any application until the applicant has exhausted all administrative remedies to correct the alleged error or injustice. Requests for corrections of NGB documents must be directed

to the issuing State National Guard Headquarters first. There is no evidence that he applied to either the State Adjutant General of the Army National Guard (ARNG) or the NGB to change his name or SSN.

4. The applicant's request to correct the name listed on his DD Form 214 will be addressed through an administrative correction without action by the Board. He provided sufficient evidence in the form of provided a court ordered name change, to justify this administrative correction.

5. Neither the applicant's DD Form 214 nor any other available military record reflect his requested SSN.

6. The SSA card he provides shows his requested SSN.

7. Army Regulation 635-5 (Separation Documents) directs that the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge.

8. For historical purposes, the Army has an interest in maintaining the integrity 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:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice related to the requested changed to the applicant's SSN. The applicant used the contested social security number (SSN) during his entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. The Board recommended the applicant seek assistance through the social security administration office for correction of his social security number and they will be able to merge them as well and notify the department of veteran affairs of the correction.

2. However, the Board determined there is sufficient evidence to support correction of the applicant's name based on the court order from the Superior Court of the District of Columbia. Based on this the Board found administrative correction to the applicant's DD Form 214 is warranted and granted partial relief.

3. 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. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. The applicant is advised that a copy of this decisional document, along with his application and the supporting evidence he provided, will be filed in his official military records. This should serve to clarify any questions or confusion regarding the difference in the SSN recorded in his military records and to satisfy his desire to have his SSN documented in his military records.

BOARD VOTE

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show on his DD Form 214 for the period ending 4 June 1992 his requested name as shown on the court order from the Superior Court of the District of Columbia.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to correction of his correction of his social security number.

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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.

ADMINISTRATIVE NOTE(S): N/A

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. AR 635-5 (Personnel Separations – Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. Additionally, this regulation:

a. Prescribes the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service. Chapter 2 (Preparation of Separation Documents) details when and how the DD Form 214 (Report of Separation from Active Duty) will be prepared.

b. Provides the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation. Item 1 states enter name in order shown on DD Form 214, using all capital letters, and including abbreviation for junior, senior, second, when appropriate.

//NOTHING FOLLOWS//