

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 March 2024

DOCKET NUMBER: AR20230008893

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the following:

- his date of birth year as 1952 vice 1951
- completion of basic combat training and advanced individual training
- service in Vietnam, and his continental U.S assignments

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

- DD Form 149 (Application for Correction of Military Record), 2 May 2023
- DD Form 214, for the period ending 23 August 1973

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 birthdate is incorrect and should be changed to show 1952 vice 1951. He completed basic training and advanced individual training at Fort Polk, LA. He left Fort Polk and was reassigned to Fort Lewis, WA. He deployed to Vietnam, was reassigned to Fort Lewis then Fort Polk then to Fort Sill, OK. His DD Form 214 needs to be corrected to show these things. He was like the average person and did not understand the importance of the DD Form 214. [Note: The applicant identified post-traumatic stress disorder (PTSD) as an issue/concern related to his request.
3. The applicant's records contain sufficient evidence to support adding additional information not shown on his DD Form 214. Therefore, his DD Form 214 will be administratively corrected without Board action.
4. On 3 May 1971, the applicant was inducted into the Army of the United States. His DA Form 47 (Record of Induction) shows his date of birth as XX S___ 1951.

5. In connection with his induction, the applicant completed a DD Form 398 (Statement of Personal History). He also listed his DOB as XXS____ 1951.

6. His DA Form 20 (Personnel Qualification Record – Part II) lists his DOB as XX S__ 1951. This form also shows in:

a. Item 27 (Military Education) – Supply Clerk, 6 weeks, 1971.

b. Item 38 (Record of Assignments) – enroute to USARPAC, but no arrival or unit assignment.

c. Item 39 (Campaigns) – no entries.

d. Item 41 (Awards and Campaigns) – National Defense Service Medal and the Marksman Marksmanship Qualification Badge with Rifle Bar (M-16).

7. On 23 August 1973, the applicant was honorably released from active duty in accordance with Army Regulation 635-200 (Personnel Separations) SPN 201 Expired Term of Service with an under honorable conditions characterization of service. His DD Form 214 shows he completed 2 years of active service. It also shows:

- His DOB as XX S__ 1951.
- He was awarded the National Defense Service Medal.
- Item 22c (Foreign Service) – no entries.
- Item 25 (Education, and Training Completed) – no entries.
- Item 30 (Remarks) – no entry for Vietnam service.

7. By regulation (AR 635-5), 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 duty 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.

8. MEDICAL REVIEW:

a. The applicant requests changes to his DD214 to reflect his correct date of birth, correctly reflect that he completed BCT and AIT, and to show his service in Vietnam and assignment in CONUS. On his DD Form 149, he elected the request was related to PTSD. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following: 1) The applicant was inducted into the Army of the United State on 3 May 1971; 2) On 23 August 1973, the applicant was discharged in accordance with Army Regulation 635-200 (Personnel Separations) SPN 201 Expired Term of Service with an under

honorable conditions characterization of service; 3) The applicant's records contain sufficient evidence to support adding additional information not shown on his DD Form 214. Therefore, his DD Form 214 will be administratively corrected without Board action.

b. The VA electronic medical record (JLV), ROP, and casefiles were reviewed. The electronic military medical record (AHLTA) was not reviewed as it was not use during the applicant's time in service. No military BH-related records were provided for review. A review of JLV was void of any BH-related treatment history for the applicant and he does not have a service-connected disability. No civilian BH records were provided for review. The applicant requests changes to his DD214 to reflect his correct date of birth, correctly reflect he completed BCT and AIT, and to show his service in Vietnam and assignment in CONUS. The applicant elected on his DD Form 149 that the request was related to PTSD. A review of the records was void of any misconduct related to the applicant and he was honorably discharge, therefore there is no misconduct to mitigate. However, for the sake of thoroughness a full review of the records was conducted, and records are void of any BH diagnosis or treatment history for the applicant during or after service. As outlined in the ROP, the applicant's records contain sufficient evidence to support adding additional information to his DD 214, and the issues will be corrected without Board action.

Kurta Questions:

(1) Does any evidence state that the applicant had a condition or experience that may excuse or mitigate a discharge? No. The applicant is requesting correction to his DD214 as outlined in the ROP. It has been determined that sufficient evidence exists to make the change. Although the applicant elected PTSD on his DD Form 214, a review of the ROP is void of misconduct on the applicant behalf, he has an honorable discharge, no BH history. Given the above, there is nothing to mitigate from a medical perspective. However, for the sake of thoroughness a full review of the records was conducted, and records are void of any BH diagnosis or treatment history for the applicant during or after service.

(2) Did the condition exist or experience occur during military service? N/A.

(3) Does the condition or experience actually excuse or mitigate the discharge? N/A.

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 (XX S___ 1951) during his service. The Board found no evidence he used a different 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. Completion of Basic Combat Training: By regulation, combat courses are not listed on the DD Form214.

c. Advanced Individual Training: Grant. The applicant completed the 6-week Supply Specialist Course in 1971. His DD Form 214 did not list this training course.

d. Vietnam Service: Deny. The Board did not find evidence in the service record or provided by the applicant confirming the applicant’s service in Vietnam.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	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 by adding to Block 25 of his DD Form 214 the entry “Supply Course, 6 weeks, 1971.”

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 amending his DD Form 214 to show:

- his date of birth as 1952 vice 1951
- completion of basic combat training
- service in Vietnam, and his continental U.S assignments



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 (AR) 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. By regulation, the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The specific instructions for:

- a. Item 9: self-explanatory.
- b. Item 22c: enter total active duty outside continental limits of the U.S. for the period covered by the DD Form 214 and the last overseas theater in which service was performed foreign and or sea service.
- c. Item 25: enter service schools including major courses which were successfully completed and military sponsored courses completed in civilian schools and colleges during period covered by the DD Form 214 being prepared.

d. Item 30: Indicate Indochina and Korea service on or after 5 August 1964 by entering inclusive dates of service for Vietnam and indicating "yes" or "no" for service in Indochina and Korea."

3. Section 1556 of Title 10, United States Code, requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (ARBA) be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//