

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 April 2024

DOCKET NUMBER: AR20230009543

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show his requested date of birth (DOB) instead of the contested DOB.

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

DD Form 149 (Application for Correction of Military Record)

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 the contested DOB shown on his DD Form 214 is incorrect. [Note the applicant was asked by letter to provide a copy of his birth certificate, but he did not respond].
3. Review of the applicant's service records shows:
 - a. He enlisted in the Army National Guard (ARNG) on 2 August 1976. His DD Form 4 (Enlistment Contract) listed the contested DOB. His Enlistment Physical listed a similar DOB.
 - b. He entered active duty for training from 19 September 1976 to 4 February 1977. The resultant DD Form 214 listed the contested DOB.
 - c. He again entered active duty on 9 January 1979 and was discharged under chapter 10 of Army Regulation 635-200 (Personnel Separations) on 26 June 1979. The resultant DD Form 214 for this period also listed the contested DOB.

d. All documents in his service record reflect the contested DOB. These include:

- DD Form 458 (Charge Sheet)
- Report of Medical Examination
- Notice of Unauthorized Absence
- Record of Emergency Data

4. 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.

BOARD DISCUSSION:

1. 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.

2. There is insufficient evidence to grant the requested relief. The applicant was asked to provide a certified copy of his birth certificate so the Board could verify his DOB, but he did not provide the requested documentation.

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.

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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.

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), 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. 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. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for item 3 (DOB) stated to enter the Soldier's date of birth.

//NOTHING FOLLOWS//