

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 March 2024

DOCKET NUMBER: AR20230009562

APPLICANT REQUESTS: correction of his WD AGO 53-55 (Enlisted Record and Report of Separation Honorable Discharge) to show in item 10 (Date of Birth (DOB)) as reflected on his Certificate of Birth (requested DOB).

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate [REDACTED] Department of Health Vital Records
- NA Form 13055 (Request for Information Needed to Reconstruct Medical Data)
- Honorable Discharge Certificate, dated 20 November 1946
- WD AGO Form 53-55, for the period ending 20 November 1946

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 that he would like for his date of birth to be corrected on his DD Form 214 [WD AGO 53-55]. The incorrect birth date affects benefits that he may be entitled to receive due to his service. The certificate of birth provided by the applicant from the state of Mississippi Department of Health Vital Records indicates his birth date as the requested DOB.
3. The applicant provides documents from his medical records for treatment received at Fort McClellan, Alabama during his service at approximately the timeframe of the winter of 1945.
4. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 10 December 1945. His WD AGO Form 21 (Enlistment Record) and DSS Form 221 (Report of Physical Examination and Induction) indicate his date of birth as the contested DOB.

b. His date of birth is illegible on his WD AGO Form 20 (Enlisted Record and Report of Separation Honorable Discharge).

c. On 20 November 1946, he was discharged from Active Duty with an honorable discharge characterization of service. His WD AGO Form 53-55 shows in block 10 (Date of Birth) the contested DOB.

5. By regulation, block 5 (Date of Birth) of the DD Form 214 is verified by reviewing original enlistment contract and/or application for appointment.

6. Also by regulation, 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.

BOARD DISCUSSION:

The applicant's contentions, the military record, and regulatory guidance were carefully considered. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted, not because there was an error on injustice, but on the basis of compassion.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by deleting the current entry in block 10 (Date of Birth) and replacing it with the date of birth recorded on the applicant's certificate of birth.

6/6/2024

X

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 635-8 (Separation Processing and Documents), prescribes policy and procedural guidance relating to transition management; it explains separation document preparation, distribution, and correction. Paragraph 5-6, Rules for completing the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides detailed instructions for data required in each block of the DD Form 214. It states for block 5 (Date of Birth) of the DD Form 214, verify data accuracy by reviewing original enlistment contract and/or application for appointment.
3. Army Regulation 635-8 (Separation Processing and Documents) states 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.

//NOTHING FOLLOWS//