

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230009597

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in item 1 (Last Name, First Name, Middle Name): "M__ Jr." (Last Name).

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate
- Social Security Card
- DD Form 214, for the period ending 29 November 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 legal name should be changed to his birth name M__ Jr. (Last Name). S____ (Last Name) was his stepfather's last name. He should be issued a new DD Form 214 with his correct name.
3. On 6 June 1972, the applicant enlisted in the Regular Army. His DD Form 4 (Enlistment Record) reflects the contested last name.
4. His DA Form 20 (Enlisted Qualification Record), created upon his enlistment, reflects the contested last name.
5. The applicant provides his birth certificate and social security card, which reflect the requested last name.
6. On 29 November 1973, he was honorably discharged from active duty. His DD Form 214 shows he completed 1 year, 5 months, and 24 days of active service. His DD Form 214 also reflects the contested last name in item 1.

7. There is no evidence the applicant used the requested last name during his military service.

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. The applicant did not provide a court order changing his name and is there is no evidence he used the requested name during the period of his service.

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 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. Paragraph 5-6 (Rules for completing the DD Form 214) provides detailed instructions for data required in each block of the DD Form 214. For item 1, Name, compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in block 18 (Remarks).

//NOTHING FOLLOWS//