

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230010025

APPLICANT REQUESTS: correction to the following blocks of his DD Form 214 (Report of Separation from the Armed Forces of the United States) to align with the information reflected on his certified abstract of birth -

- block 10 (Date of Birth (DOB)) 2\_ N\_\_\_\_\_ (requested) instead of X D\_\_\_\_\_ (contested)
- block 41 (Name and Address of Last Employer) to show his father's first name as C \_ \_ (requested) instead of S \_ \_ (contested)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Certified Abstract of Birth
- driver license

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's military records are not available to the Board for review. His records were requested from the National Archives and Records Administration without success. This case is being considered based on the documents he provided.
3. The applicant states the information on his DD Form 214 is inaccurate. He was born by midwife and his birth was reported late. The corrections were needed recently in order to apply for benefits provided by the Department of Veterans Affairs because the information on his DD Form 214 does not match his driver license and other types of identification.

4. The applicant's DD Form 214 shows he was inducted and entered active duty on 11 April 1951, and he was honorably released from active duty on 28 March 1953.

- block 10 reflects the contested DOB
- block 41 reflects the contested name of his father

5. The applicant provided his Certified Abstract of Birth showing his DOB and his father's name as requested. He also provides a copy of his driver license which shows his requested DOB.

BOARD DISCUSSION:

1. 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 relief was warranted.

2. A review of the applicant's record failed to reveal an error or an injustice; nevertheless, the Board felt his record should be corrected as a matter of compassion.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board concurs with the corrections addressed in Administrative Note(s) below and 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 his DD Form 214 (Report of Separation from the Armed Forces of the United States):

- deleting the current entry in block 10 (Date of Birth (DOB)) and adding the DOB reflected on his Certified Abstract of Birth
- deleting the current entry in block 41 (Name and Address of Last Employer) to show his father's first name as reflected on his Certified Abstract of Birth

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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): Army Regulation 600-8-22 (Military Awards) states the National Defense Service Medal is awarded for honorable active service for any period between 27 July 1950 and 27 July 1954. This award is not shown on the applicant's DD Form 214.

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. Special Regulation 615-360-1 (Enlisted Personnel Discharge Procedures and Preparation of Separation Forms), in effect at the time, provided an outline of procedures to be followed in effecting discharge of enlisted personnel and described the proper method of executing and disposing of the various forms, records, and reports required. The regulation did not provide specific instructions for the completion of items 10 (Dated of Birth) or item 43 (Name and Address of Last Civilian Employer) of the DD Form 214.

//NOTHING FOLLOWS//