

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 April 2024

DOCKET NUMBER: AR20230010034

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his "requested first name" ([REDACTED]) as reflected on his U.S. Passport instead of his "contested" first name ([REDACTED]).

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

- DD Form 149 (Application for Correction of Military Record)
- U.S. Passport
- driver's 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 states the contested first name was put on his enlistment documents. His records should show his requested first name instead of the contested first name. He was told by his commanding officer to just let it go. He wants to get the paperwork right for future needs.
3. A Standard Form 88 (Report of Medical Examination) shows the applicant underwent medical examination on 15 March 1971, for the purpose of Regular Army enlistment. He wrote his first name on the form as the contested first name.
4. A DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows the applicant enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program (DEP) on 15 March 1971. The applicant's first name is shown on the form, to include his signature, as the contested first name.
5. A second DD Form 4 shows the applicant enlisted in the Regular Army on 7 June 1971. His first name is shown on the form in multiple locations, to include his signature, as the contested first name.

6. Headquarters, III Corps and Fort Hood Special Orders Number 41, dated 28 February 1974, released him from active duty effective 8 March 1974. His first name is shown on the orders as the contested first name.
7. The applicant's DA Form 20 (Enlisted Qualification Record) shows his first name as the contested first name.
8. The applicant's DD Form 214 honorably released him from active duty on 8 March 1974, and transferred him to an assignment in the Army National Guard. He was credited with 2 years, 9 months, and 2 days of net active service. His first name is shown on the form the contested first name.
9. There are no documents in the applicant's available service records reflecting the requested first name. All documents in his available service records reflect the contested first name.
10. The applicant provided a copy of his U.S. Passport and his driver's license, both of which reflect his first name as the requested first name.

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. The evidence of record shows she used the contested first name during his service. The Board found no evidence he used the requested name 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.

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 at the time of retirement, discharge, or release from active duty service or control of the Active Army and established standardized policy for preparing and distributing the DD Form 214 (Report of Separation from Active Duty). The DD Form 214 is a summary of a Soldier's most recent period of continuous active service, and it provides a concise record reflective of active service at the time of release from active duty, retirement, or discharge. The general instructions state all available records will be used as a basis for preparation of the DD Form 214. The specific instructions for preparation of item 1 (Last Name-First Name-Middle Name) on the DD Form 214 state to enter last name, first name, and full middle name or names, if any.

//NOTHING FOLLOWS//