

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 April 2024

DOCKET NUMBER: AR20230010521

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) and NGB Form 22 (Report of Service and Record of Service) to show his "requested first name," as recorded on his Birth Certificate, instead of the contested name.

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

- DD Form 149
- Birth Certificate
- Driver's License
- Department of Veterans Affairs (VA) ID card

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 first name is not the contested name and his VA ID has the correct name. He needs his separation documents to show his requested name to avoid any problems when he dies. He has had trouble cashing a VA check in the contested name when his driver's license shows the requested name.
3. The applicant enlisted in the Kentucky Army National Guard (KYARNG) on 8 September 1981. His first name on his enlistment documents is the contested name.
4. The applicant entered active duty for training on 30 November 1981, completed training with award of the military occupational specialty 76P (Material Control and Accounting Specialist).
5. He was released from active duty on 21 April 1982 and transferred to his KYARNG unit. The DD Form 214 issued at this time shows his first name as the contested name.

6. The applicant was discharged from the KYARNG on 12 December 1984 under NGR 600-200, paragraph 7-12r (unsatisfactory participation (AWOLs), his characterization of service was General and his first name is shown as the contested name.
7. All documents in the official military records list the applicant's first name as the contested name.
8. The applicant provided his birth certificate, driver's license, and VA ID card that all show his name as the requested name.
9. For historical purposes, the Army has an interest in maintaining the accuracy of its records. The data and information contained in those records should actually reflect the conditions and circumstances that existed at the time the records were created. In the absence of a showing of material error or injustice, this Board is reluctant to recommend that those records be changed.

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 that relief was not warranted.
2. The applicant consistently used and signed his name with the contested name through out the period of his military service. There does not appear to be an 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 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). Paragraph 2-9 states that 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.
3. Army Regulation 601–210 (Regular Army and Reserve Components Enlistment Program), as then in effect, states the name under which an individual initially enlists in the U.S. Armed Forces will be the name on the enlistment documents.

//NOTHING FOLLOWS//