

IN THE CASE OF: ██████████

BOARD DATE: 3 April 2024

DOCKET NUMBER: AR20230010748

APPLICANT REQUESTS: correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her last name as ██████.

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

- DD Form 149 (Application for Correction of Military Record)
- Divorce Decree dated 21 December 2021

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 stated she would like for her record to reflect her maiden name of ██████ as her last name. She provides her divorce which shows the change.
3. A review of the applicant's service record shows:
 - a. National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) item 1 (Last Name, First Name, Middle Name) as ██████ effective 3 February 1980.
 - b. NGB Form 22 ending 30 April 1981, item 1 shows her last name as ██████.
 - c. DD Form 214 ending 9 July 1991, item 1 shows her last name as ██████.
 - d. Her available DD Form 4 (Enlistment/Reenlistment Document Armed Forces of the United States) dated 19 June 2002, item1 Name (Last, First, Middle) show her last name as ██████ which was authenticated by her signature.

e. DD Form 214 ending 5 December 2010, item 1 shows her last name as [REDACTED] which was authenticated by her digital signature.

4. Army Regulation 635-5 (Separation Documents) directs that the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge.

5. For historical purposes, the Army has an interest in maintaining the integrity of its records. The data and information contained in those records should reflect the conditions and circumstances that existed at the time the records were created.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The Board found the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during her entire period of service. Upon review of the applicant's petition and available military records, the Board determined the applicant separated from the service in 1991 with the contested name. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. The Board noted based on the evidence, the applicant divorced post separation and found her records to be accurate at the time of her separation. Therefore, the Board denied relief.

2. 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. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed.

3. The applicant is advised that a copy of this decisional document, along with her application and the supporting evidence he provided, will be filed in her official military records. This should serve to clarify any questions or confusion regarding the difference in the name recorded in her military records and to satisfy her desire to have her legal name documented in her military records.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

5/14/2024

X █

CHAIRPERSON

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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), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of

release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation

//NOTHING FOLLOWS//