

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230010955

APPLICANT REQUESTS: in effect, correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- the correct spelling of her first name (requested first name)
- the requested middle and last name (requested middle and last name) as listed on her driver license; and
- addition of the Jumpmaster course

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- Certificate of Birth, 21 October 1964
- Marriage Certificate, 23 January 1989
- Certificate of Achievement, 26 October 1989
- Certificate of Death, 11 March 2004
- Marriage Certificate, 11 August 2008
- Driver License, 18 August 2020

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 when she separated from the Army, she failed to notice her first name was incorrectly spelled. Additionally, she failed to realize that when her first husband passed away, she should have submitted a request for name change. Finally, her DD Form 214 does not list her Jumpmaster Course certification.
3. The Board will not consider the applicant's request to correct her DD Form 214 to add the Jumpmaster course or to show the spelling of her first name, as these portions of her request will be accomplished through an administrative correction.

4. The applicant was appointed a Regular Army Officer effective 31 March 1988. Her DA Form 71 (Oath of Office – Military Personnel) lists her first name as she requests.

5. The applicant entered active duty on 23 June 1987. Evidence shows she served in Southwest Asia from 10 October 1990 to 29 March 1991. On 23 September 1992, she was honorably discharged. The DD Form 214 she received reflects the contested name and shows she was awarded or authorized the:

- Army Service Ribbon
- National Defense Service Medal
- Southwest Asia Service Medal
- Bronze Star Medal
- Army Achievement Medal
- Kuwait Liberation Medal – Saudi Arabia
- Parachutist Badge

6. The applicant provides a copy of her most recent marriage certificate certified by a probate judge on 11 August 2008 and a copy of her driver license issued 18 August 2020 which lists her name as she requests.

7. Her Official Military Personnel File contains Permanent Order Number 102-41 which awarded her the Meritorious Service Medal. Her records also contain her Officer Record Brief, which in addition to the certificate for completion of the Jump Master show she completed the two-week, 3-day course on 26 October 1989.

8. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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. Upon review of the applicant's petition and available military records, the Board determined the applicant was discharged from the service in 1987 and her post request for a legal name correction of her record is post service 21 years after her discharge. The Board found the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

2. However, the Board found sufficient evidence to show an administrative error in the spelling of the applicant's first name and correction to her DD Form 214 is warranted. Furthermore, the Board agreed the applicant's records contains sufficient evidence on her Officer Record Brief, in addition to the certificate for completion of the Jump Master to show she completed the two-week, 3-day course on 26 October 1989. As such, the Board granted partial relief to correct the applicant's first name and add her jumpmaster course completion to her DD Form 214.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction be completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending her DD Form 214 for the period ending 23 September 1992 to show in

- block 1(Name) – as it appears on her name on her certificate of live birth
- block 14 (Military Education) - "Jumpmaster Course, 2 weeks, 1989

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to correction of the applicant's middle and last name (requested middle and last name) as listed on her driver license.



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):

A review of the applicant's records shows she is authorized additional awards not annotated on his DD Form 214 for the period ending on 23 September 1992 without action by the Board to show. As a result, amend her DD Form 214 by adding to block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized) the Meritorious Service Medal, Kuwait Liberation Medal - Kuwait, and

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 the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

a. Block 1 (NAME (Last, First, Middle)) states to compare the original enlistment contract or appointment order and review the official record for possible name changes. If a name change has occurred, list other names of record in block 18 (Remarks).

b. Block 14 (Military Education) states to list all formal, in-service (full-time attendance) training courses successfully completed during the period of service covered by the DD Form 214 of at least 1 week or 40 hours duration. Include course title, length in weeks, and year completed.

3. Army Regulation 600-8-22 (Military Awards) states the Kuwait Liberation Medal awarded by the Government of Kuwait was approved on 9 November 1995 and is awarded to members of the Armed Forces of the United States who participated in the Persian Gulf War between 2 August 1990 and 31 August 1993.

//NOTHING FOLLOWS//