

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 4 June 2024

DOCKET NUMBER: AR20230011118

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) for the period ending 20 February 1975 to show the year of his birth as 1956 vice 1955.

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

- DD Form 149 (Application for Correction of Military Record), 7 August 2023
- Birth Certificate, State of Maine, issued in 1971
- DD Form 214, 20 February 1975

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, in effect, he needs his date of birth (DOB) to be corrected. He wrongly changed the year of his DOB to [1955] so he could enlist in the Army at age 16 as a minor. He would like it changed so the correct year is listed as [1956] and will be on his tombstone at a military cemetery.
3. The applicant provided a copy of his State of Maine Birth Certificate, showing the correct year of his birth as 1956.
4. A review of the applicant's service records shows:
 - a. On 3 February 1972, a police records check shows a request for prior office reports under his name and DOB as ██████████.
 - b. A DD Form 373 (Consent Declaration of Parent or Legal Guardian), dated 9 February 1972, shows both his parents authenticated a request for the applicant to enlist using the year of his birth as 1955 and indicating he was age 17.

c. A DD Form 398 (Statement of Personal History), shows he gave the year of his birth as 1955 and he authenticated this form.

d. His DD Form 4 (Enlistment Contract – Armed Forces of the United States), dated 28 February 1972, shows he enlisted for 3 years using the year of his birth as 1955.

e. All of the documents contained in his service records, post enlistment, including but not limited to the following, show the year of his birth as 1955:

- DA Form 2-1 (Personnel Qualification Record - Part I)
- DA Form 20 (Enlisted Qualification Record)

f. His DD Form 214, dated 20 February 1975, shows he was honorably released from active duty and transferred to control of the U.S. Army Reserve Control Group (Reinforcement), after having completed 2 years, 11 months, and 23 days. item 4 (DOB) reflects [REDACTED]

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 he used the contested date of birth (DOB) (year of birth) during his service. The Board found no evidence he used the requested DOB (year of birth) 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.

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

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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 (Separations Documents), in effect as of 15 October 1973, prescribed the separation documents that were furnished individuals who were retired, discharged, or released from active military service, including members of Reserve components on active duty for training (ADT) or full-time training duty (FTTD) and US Military Academy cadets.

a. Chapter 1-2. Separation documents. Separation documents provide the recipients with a record of their military service; the Army with a source of information for administrative purposes; and other governmental agencies with an authoritative source of information for administering Federal and State laws pertaining to veterans. Authorized separation documents and personnel to whom they are issued are listed in table 1-1.

b. Chapter 2-2. Source documents. DA Form 20 (Enlisted Qualification Record) and DA Form 66 (Officer Qualification Record) are the basic source documents for preparing DD Form 214WS (Worksheet). However, in preparing DD Form 214WS, personnel officers should review all available documents such as the MPRJ (Military Personnel Records Jacket), DA Form 2143 (Military Personnel Financial Data Records, US Army), DA Form 3716 (Personal Financial Record), reassignment orders, enlistment or induction records, and any DD Form 214 for prior service.

c. A DD Form 214 would be furnished at the time of separation to each member of the Regular Army.

d. Item 4 (DOB) – enter date in order shown on DD Form 214, using all numerals; e.g., 73 for year, 01 for January.

//NOTHING FOLLOWS//