

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 May 2024

DOCKET NUMBER: AR20230011256

APPLICANT REQUESTS: correction of item 19b (Nearest Relative) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his mother's name and address.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 93 (Record of Emergency Data), 21 April 2011
- DD Form 214, for the period ending 26 April 2011

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 name listed in item 19b is his ex-spouse and is incorrect.
3. The applicant enlisted in the Regular Army on 25 March 2005.
4. The applicant provides a DD Form 93, dated 11 April 2011, which shows, in pertinent part, L__ S__ in item 7a (Mother Name) and her address in item 7b. It also shows in item 11a (Beneficiary(ies) for Death Gratuity) as C__ L__ S__ and in item 11b (Relationship) "wife," with her address in item 11c.
5. On 26 April 2011, the applicant was discharged. He completed 6 years and 1 day of active service. His DD Form 214 shows in item 19d (Nearest Relative): C__ S__ and her associated address. Item 21a (Member Signature) shows "unable to e-sign."
6. By regulation, item 19b is provided by the Soldier and should reflect the name and address of a relative who would know the Soldier's location and address. If a relative is not available, list a close friend.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, 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 review based on law, policy, and regulation. Upon review of the applicant's petition and available military records, the Board determined the nearest relative listed on his DD Form 214 was correct in accordance with regulatory guidance at the time the DD Form 214 was prepared during the applicant's separation. 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.

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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 635-8 (Separation Processing and Documents) establishes the policies and provisions for the preparation and distribution of the DD Form 214. 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. This regulation states that block 19a is provided by the Soldier and must be a permanent address for mailing purposes. Civilian penal institutions will not be accepted. The "permanent" address serves as a basis for contacting a Soldier within a short time after separation in the event the need arose. It also states that block 19b is provided by the Soldier and should reflect the name and address of a relative who would know the Soldier's location and address. If a relative is not available, list a close friend. Neither address is intended to be changed or updated each time the individual or family member relocates following a Soldier's separation or change in marital status.

//NOTHING FOLLOWS//