

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 June 2024

DOCKET NUMBER: AR20230011471

APPLICANT REQUESTS: correction to the day of his birth as listed in item 4 (Date of Birth) of his DD Form 214 (Report of Separation from Active Duty).

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Live Birth
- DD Form 214
- Driver License/Real Identification (ID)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, his DD Form 214, ending 10 December 1975, should show the day of his birth as "5" instead of "30." In support of his request, he provides a copy of his certificate of live birth and his Real ID Driver License; the day of birth is on his birth certificate is handwritten single digit, while his Real ID Driver License states his day of birth is "30."

3. A review of the applicant's service record reveals the following:

a. On 22 November 1972, as part of the applicant's enlistment into the Regular Army, the applicant's recruiter completed a 3rd Form 57 (Date of Birth Verification Statement), in which he affirmed that he had personally verified the applicant's date of birth by viewing the birth certificate; the day of the applicant's birth was reflected as "30."

b. On 12 December 1972, the applicant enlisted in the Regular Army for 3 years; the day of his birth shown on his DD Form 4 (Enlistment Contract – Armed Forces of the

United States) is "30. Upon completion of initial entry training, orders assigned the applicant to Germany, and he arrived in his unit, on 8 May 1973.

c. On 10 December 1975, the applicant completed his tour in Germany, and orders reassigned him to Fort Dix, NJ for separation processing. On 10 December 1975, the Army honorably released the applicant from active duty and transferred him to the U.S. Army Reserve for the remainder of his military service obligation. His DD Form 214 shows he completed 2 years, 11 months, and 29 days of his 3-year enlistment contract. Item 4 lists the day of his birth as "30."

d. A further review of the applicant's available service record indicates all documents that state the applicant date of birth indicate the day as "30."

4. The Board has an interest in maintaining the accuracy of its records; for historical purposes, the data and information contained in those records should reflect the conditions and circumstances, as they existed at the time of the records' creation.

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 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) during his service. The Board found no evidence he used the requested DOB 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:

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, USC, 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. AR 635-5, in effect at the time, stated the purpose of separation documents was to provide the individual with documentary evidence of his/her military service. With regard to item 4 (Date of Birth) of the DD Form 214, the regulation stated DD Form 214 preparers should enter the date of birth in the order shown on the DD Form 214, using all numerals; e.g., 73 for year and 01 for January.

//NOTHING FOLLOWS//