

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230011669

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show in item 4 (Date of Birth) [REDACTED] vice [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Live Birth, North Dakota
- DD Form 214, period ending 18 April 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 provides his birth certificate, which reflects the requested date of birth as [REDACTED]
3. The applicant enlisted in United States Army Reserves (Delayed Entry Program) on 20 October 1971; his DD Form 4 (Enlistment Contract-Armed Forces of the United States), shows his date of birth as [REDACTED]
4. He enlisted in the Regular Army on 20 April 1973, his DD Form 4 shows his date of birth as [REDACTED]
5. His DA Form 20 (Enlisted Qualification Record), which was created upon his entry on active duty listed his DOB as [REDACTED]. Similarly, his DA Form 873 (Certificate of Clearance and/or Security Determination) also shows his DOB as [REDACTED]
6. He was honorably released from active duty on 18 April 1975. His DD Form 214 shows he completed 1 year, 11 months, and 29 days of active service and his date of birth was listed as [REDACTED]

7. By regulation, for block 5 (Date of Birth) of the DD Form 214, verify data accuracy by reviewing original enlistment contract and/or application for appointment.

8. None of the documents in the applicant's military record reflect the DOB listed on his live birth certificate. The documents include but are not limited to:

- DD Form 4 (Enlistment Contract-Armed Forces of the United States) date of enlistment 20 October 1972
- DD Form 369 (Police Record Check) 19 October 1972
- DD Form 4 (Enlistment Contract-Armed Forces of the United States) date of enlistment 20 April 1973
- DA Form 20 (Enlisted Qualification Record)
- DD Form 214, period ending 18 April 1975

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 the applicant 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.

█

█ █

█

█

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 (AR) 635-8 (Separation Processing and Documents), prescribes policy and procedural guidance relating to transition management; it explains separation document preparation, distribution, and correction. Paragraph 5-6 (Rules for Completing the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides detailed instructions for data required in each block of the DD Form 214. It states for

block 5 (Date of Birth) of the DD Form 214, verify data accuracy by reviewing original enlistment contract and/or application for appointment. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created.

//NOTHING FOLLOWS//