

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]
[REDACTED]
[REDACTED]

BOARD DATE: 17 May 2024

DOCKET NUMBER: AR20230011756

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Transfer or Discharge) to reflect his name (requested name) as it is listed on his social security card and driver license.

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's Statement to the Department of Veterans Affairs (VA)
- Certified Copy of Vital Records Birth Certificate
- DD Form 214, for the period ending 24 September 1967
- Social Security Card
- California Driver License

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 he did not know his biological father until later in life. He requests his DD Form 214 be amended to reflect the name listed on his California Driver License and Social Security Card.

3. The applicant provided the following documents which list his requested name:

- Birth Certificate
- California Driver License
- VA Letter, stating he changed his name after he found out about his biological father and he now needs his DD Form 214 corrected to obtain VA benefits

4. A review of the applicant's service record shows he was inducted into the Army of the United States on 6 October 1965. All documents contained in his official military personnel file lists the contested name. These documents include, but are not limited to:

- DD Form 47 (Record of Induction)
- DD Form 398 (Statement of Personal History)
- Standard Form 88 (Report of Medical Examination)
- DA Form 20 (Enlisted Qualification Record)

5. On 24 September 1967, he was honorably released from active duty and transferred to the United States Army Reserve. He completed 1 year, 11 months, and 19 days of active service. His DD Form 214 shows the contested name.

6. The applicant's name was consistent throughout his service reflecting a different name than requested.

7. By regulation, 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. Block 1 (Last Name, First Name, Middle Name) states enter last name, first name, and full middle name or names, if any.

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 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. 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. Based on the service record and a preponderance of the evidence, the Board denied relief.

2. 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. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed.

3. 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 the name recorded in his military records and to satisfy his desire to have his name 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.

[REDACTED]

[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 635-5 (Separations Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states 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. Block 1 (Last Name, First Name, Middle Name) states enter last name, first name, and full middle name or names, if any.

//NOTHING FOLLOWS//