

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 May 2024

DOCKET NUMBER: AR20230011837

APPLICANT REQUESTS: Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect the name recoded on his Certificate of Live Birth (the requested name) instead of the name recorded on his DD Form 214 (the contested name).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Certificate of Live Birth
- Letter, Department of Veterans Affairs (VA)

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. A review of the applicant's service record shows he enlisted in the Regular Army (RA) on 21 February 1991. All documents contained in his official military personnel file lists the contested name. These documents include, but are not limited to the following documents:

- DD Form 4/1 (Enlistment/Reenlistment Document)
- Orders 362-0004, Headquarters, U.S. Army Garrison, Fort George G. Meade, MD
- DA Form 2-1 (Personnel Qualification Record)

3. On 11 January 1995, he was discharged under the provisions of Army Regulation (AR) 635-200, chapter 14, due to misconduct, with service characterized as under honorable conditions (general). He completed 3 years, 10 months, and 21 days of net active service this period. The DD Form 214 he was issued for this period of active service lists the contested name.

4. The applicant provided:

- Certificate of Live Birth, listing his name as the requested name
- VA Letter, which provided his application to the Board

5. The applicant's submissions were provided to the Board in their entirety.

6. The available evidence revealed the applicant served throughout his entire period of active military service using the contested name listed on the DD Form 214.

7. For historical purposes, the Army has an interest in maintaining the integrity of its records. The data and information contained in those records should reflect the conditions and circumstances that existed at the time the records were created.

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 and standard review based on law, policy and regulation. The Board determined 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. Upon review of the applicant's petition and available military records, 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 this the Board determined relief was not warranted and 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 legal 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.

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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 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 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.

//NOTHING FOLLOWS//