

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 June 2024

DOCKET NUMBER: AR20230011977

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), to show in:
  - item 1 (Name (Last, First, Middle): V\_\_\_, B\_\_\_ Demitrist (vice Demetrice)
  - item 12b (Separation Date This Period): 12 May 1999
  - item 24 (Character of Service): honorable
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 293 (Application for the Review of Discharge)
- DD Form 214, for the period ending 1 November 1991
- Orders D-05-928315 (U.S. Army Reserve (USAR) Discharge Orders)
- State of Arkansas Certification of Birth
- Department of Veterans Affairs (VA) Form 26-1880 (Request for a Certificate of Eligibility)

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 is authorized correction of his DD Form 214 by amending his characterization of service from uncharacterized to honorable based on completion of initial entry training and award of a military occupational specialty. As a result, this correction will be corrected administratively and will not be considered by the Board.

3. The applicant states he requests correction of his DD Form 214, effective 1 November 1991, to change his characterization of service from uncharacterized to honorable and to amend his middle name to "Demitrist." Additionally, he states that without the updated DD Form 214 he will not be able to utilize his VA loan benefits and other benefits he is entitled.

4. The applicant provides:

a. Orders D-05-928315, issued by U.S. Army Reserve Personnel Command, dated 11 May 1999, that discharged the applicant from the USAR, effective 12 May 1999.

b. Arkansas Department of Health Certification of Birth that shows the applicant's middle name as "Demitrist."

c. VA Form 26-1880, dated 19 November 2022, in which the applicant requests a Certificate of Eligibility.

5. A review of the applicant's service records also show:

a. He enlisted in the Arkansas Army National Guard on 13 May 1991. His DD Form 4 (Enlistment/Reenlistment Document) shows that the applicant authenticated his signature in block 13b and 19e with his middle name as "Demetrice."

b. Orders: 091-006, issued by the Military Entrance Processing Station on 13 May 1991, ordered the applicant to initial active duty for training (IADT) with a report date of 1 July 1991 for approximately 17 weeks. He entered active duty on 26 June 1991.

c. He was released from ADT on 1 November 1991. His DD Form 214 shows he completed 4 months and 6 days of active service. It also shows in:

- item 1: V\_\_, B\_\_ Demetrice
- item 11 (Primary Specialty): 88M10 (Motor Transport Operator)
- item 12b: 1 November 1991
- item 24: uncharacterized

d. The applicant's record is void of documentation that would indicate a period of active duty service after his ADT.

e. On 12 May 1999, he was honorably discharged from the USAR.

6. 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.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.
2. 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.
  - a. Name: Deny. The evidence of record shows he used the contested first name during his service. The Board found no evidence he used the requested first name 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.
  - b. Separation Date: Deny. The DD Form 214 is a record of continuous active service. The applicant's active service began on 26 June 1991 and ended on 1 November 1991. The Board found no evidence he remained on active duty beyond that date.
  - c. Primary Specialty: No Action. The applicant's DD Form 214 already lists his MOS as 88M, Motor Transport Operator.

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:

Except for the correction addressed in Administrative Note(s) below, 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.

ADMINISTRATIVE NOTE:

A review of the applicant's service record shows he is authorized correction of his DD Form 214 without Board action. As a result, amend item 24 (Character of Service) to show honorable.

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. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
3. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, 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 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes.

//NOTHING FOLLOWS//