

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 July 2024

DOCKET NUMBER: AR20230012204

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his middle name in item 1 (Last Name, First Name, Middle Name) as Frederick.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 21 January 1971
- Certificate of Birth, State of Minnesota
- Social Security Administration Letter

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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 found his name was incorrectly spelled immediately after his discharge. It has been hard to apply for certain benefits with his name misspelled on his DD Form 214.
3. On 30 January 1969, the applicant was inducted in the Army of the United States. His DD Form 47 (Record of Induction) shows the contested middle name.
4. A review of the applicant's service records reflect service under the contested middle name, including the following documents:
 - U.S. Army Recruiting Command (USAREC) Form 180 (Acknowledgement of Service Obligation)
 - DD Form 36 (Police Record Check)
 - DA Form 20 (Enlisted Qualification Record)

5. On 21 January 1971, he was honorably released from active duty. His DD Form 214 shows his middle name in item 1 as the contested name. The applicant authenticated this form with his signature..
6. The applicant provides:
 - a. State of Minnesota Certificate of Birth which shows his requested middle name.
 - b. Social security administration letter which shows the requested middle name.
7. By regulation, for item 1 of the DD Form 214, compare original enlistment contract or appointment order and review official record for possible name changes.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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 full correction of the records of the individual concerned. Based on the service record, the Board was convinced, by a preponderance of the evidence, the applicant's legal name is consistent with that of which he is requesting as evidenced by the provided birth certificate and social security administration verification. However, the Board determined it appropriate to include the requested name in the remarks section of his separation document.
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.

4. Prior to closing the discussion, the Board noted the applicant's eligibility for the Army Good Conduct Medal (First Award) for the qualifying period 30 January 1969 to 21 January 1971 and determined this will be added to his DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- awarding him the Army Good Conduct Medal for the period 30 January 1969 to 21 January 1971
- adding to item 24 the Army Good Conduct Medal (First Award)
- adding to item 30 (Remarks) his other middle name used as Frederick

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to amending his DD Form 214 to show a different middle name in block 1.

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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, United States 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 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. Paragraph 5-6 (Rules for completing the DD Form 214) provides detailed instructions for data required in each block of the DD Form 214. For Block 1, Name. Compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in block 18 (Remarks).

//NOTHING FOLLOWS//