

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20230012391

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in item 9 (Date of Birth): the day as 10 vice 25.

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 5 November 1973

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 needs the new DD Form 214 for tax exemption.
3. On 2 February 1972, the applicant enlisted in the Regular Army. His DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows in item 21 (Date of Birth): the contested date of birth.
3. On 20 May 1975, the applicant authenticated DD Form 398 (Statement of Personal History), which shows, in pertinent part, the applicant listed in item 5 (Date of Birth): the contested date of birth.
4. His DA Form 20 (Enlisted Qualification Record), created upon his enlistment, shows, in pertinent part, in item 6 (Date of Birth): the contested date of birth.
5. The applicant does not provide his birth certificate or drivers license, or any documents that reflect the requested date of birth.

6. On 5 November 1973, he was honorably released from active duty. His DD Form 214 shows he completed 1 year, 9 months, and 1 day of active service. It also shows in item 9 (Date of Birth): the contested date of birth.

7. There is no evidence the applicant used the requested date of birth during his military service.

8. 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. For block 9 (Date of Birth), verify data accuracy by reviewing original enlistment contract.

BOARD DISCUSSION:

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 available evidence shows the applicant disclosed and used the contested DOB (25th day of the month) during his military service. The Board found no evidence he served under or used the requested DOB (10th day of the month) 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.

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.

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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 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management. The DD Form 214 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.

a. For block 9 (Date of Birth), verify data accuracy by reviewing original enlistment contract.

b. Chapter 8-4 states, prepare a DD Form 215 (Correction to DD Form 214) in response to a request for a Soldier or veteran to correct a previously issued Army DD Form 214.

//NOTHING FOLLOWS//