

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]  
[REDACTED]

BOARD DATE: 9 July 2024

DOCKET NUMBER: AR20230012730

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the following:

- Item 1 (Last Name – First Name – Middle Name) – delete the listed middle name that starts with Jo\_\_ and replace it with An\_\_
- Item 3 (Social Security Number (SSN) – Amend the last four digits of his SSN that end with 9XXX and replace it with 8XXX

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- SSN Card
- Two birth certificates

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). 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, in effect, his DD Form 214 incorrectly shows his middle name as Jo\_\_ and the last four digits of his SSN as 8XXX. In support of his correction requests, the applicant provides his SSN card (which also lists his middle name as "Jo\_\_") and two birth certificates; the birth certificates state his middle name is An\_\_ and reflects the day of his birth as "6."

3. The applicant's requested relief for correction of the last four digits of his SSN is supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and not further considered by the Board.

4. A review of the applicant's service record reveals the following:

a. On 10 February 1967, the applicant enlisted into the Regular Army for 3 years. His DD Form 4 (Enlistment Record – Armed Forces of the United States) indicates his middle name is Jo\_\_ and the day of his birth is "9." Upon completion of initial entry training, orders assigned the applicant to Germany, and he arrived at his new unit in July 1967.

b. On 16 October 1968, following the death of the applicant's father, the applicant's unit placed him on 30-days' emergency leave. Effective 17 November 1968, Special Orders attached him to a unit at Fort Sheridan, IL based on the applicant's pending application for a hardship discharge. On 19 November 1968, the Army approved the applicant's hardship discharge, and, on 20 December 1968, orders honorably released the applicant from active duty and transferred him to the U.S. Army Reserve.

c. The applicant's DD Form 214 shows he completed 1 year, 10 months, and 11 days of his 3-year enlistment contract. The report additionally reflects the following:

- Item 1 indicates the applicant's middle name is Jo\_\_
- Item 9 (Date of Birth) lists the day of his birth as "9"

5. The Board has an interest in maintaining the accuracy of its records; for historical purposes, the data and information contained in those records should reflect the conditions and circumstances, as they existed at the time of the records' creation.

#### 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows he enlisted, used, and served under the contested middle name that starts with Jo\_\_, during his service. The Board found no evidence he served under or used the requested middle name that starts with An\_\_, during his service. Additionally, the applicant does not provide a court order in support of a name change. 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.

2. 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 his middle name recorded in his military records and to satisfy his desire to have his requested middle 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:

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.

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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.

ADMINISTRATIVE NOTE(S):

1. Army Regulation (AR) 635-5 (Separation Documents), in effect at the time, stated DD Form 214 preparers were to use the SSN shown on the Soldier's DA Form 2139 (Military Pay Voucher).

2. The applicant's available service record does not include his DA Form 2139; however, it does contain the below-listed documents, all of which show the last four of his SSN are 9XXX:

- DA Form 20 (Enlisted Qualification Record)
- Letter Orders Number 10-137T, dated 16 October 1968
- Office of The Adjutant General memorandum, dated 17 March 1969
- U.S. Army Reserve Components Personnel and Administration Center Letter Orders Number 01-1007471, dated 17 January 1973

3. Based on the foregoing, amend the applicant's DD Form 214, ending 20 December 1968, by deleting the current entry in item 3 and replacing it with the SSN listed on his DA Form 20.

#### REFERENCES:

1. Title 10, USC, 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 635-5, in effect at the time, provided the following guidance for the completion of items 1 (Last Name – First Name – Middle Name) and item 9 (Date of Birth):

- Item 1 – Using all available records, enter the Soldier's last name, first name, and full middle name
- Item 9 – "self-explanatory"

//NOTHING FOLLOWS//