

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 August 2024

DOCKET NUMBER: AR20230013295

APPLICANT REQUESTS: correction of the deceased servicemember's (SM) name and date of birth (DOB) on his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 30 June 1980.

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate
- DD Form 214
- Death Certificate

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, the spouse of the SM, states she is requesting his name and DOB be corrected on his DD Form 214. It needs to be the same as his death certificate so he can be buried at Arlington National Cemetery.
3. The applicant provides the following documents:
  - a. The SM's birth certificate, which shows his name as [REDACTED] and his DOB as [REDACTED]
  - b. The SM's death certificate, which shows his name as [REDACTED] and his DOB as [REDACTED]
4. The applicant's service record contains the following documents:

a. DD Forms 4 (Enlistment Record - Armed Force of the United States) shows he enlisted in the Regular Army under the name of [REDACTED] and his DOB as [REDACTED]

b. His DD Forms 214 show his name as [REDACTED] and his DOB as [REDACTED]

c. There are no documents in the deceased SM's record to show his name as [REDACTED] and his DOB as [REDACTED]

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. Based upon the current information reflected on the FSM's DD Form 214 matching all information on his enlistment contract, as well as no document in the record reflected the requested name and/or date of birth, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the FSM's service record.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
[REDACTED]	[REDACTED]	[REDACTED]	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.

3/6/2025

XCHAIRPERSON  


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 and explains separation document preparation, to include preparation of the DD Form 214 (Certificate of Release or Discharge from Active Duty).
  - a. 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.
  - b. The instructions for the completion of item 1 (Name (Last, First, Middle)) state to compare the original enlistment contract or appointment order and review the official record for possible name changes. If a name change occurred and is recorded in the official record, list other names of record in item 18 (Remarks).
  - c. The specific instructions for completion of item 5 (Date of Birth) on the DD Form 214 state to enter the date in order shown on the DD Form 214, using all numerals.

//NOTHING FOLLOWS//