

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2024

DOCKET NUMBER: AR20230013674

APPLICANT REQUESTS: reconsideration of his previous request for correction of his DD Form 214 (Report of Separation from Active Duty) to show his current legal name.

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

- DD Form 149 (Application for Correction of Military Record)
- Social Security Card
- Texas Driver License
- Texas Department of Health Certificate of Birth

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20110013776 on 12 January 2012.

2. The applicant states he wore the contested last name (Txxx), as it is his father's last name but not reflected on his birth certificate. The last name shown on his birth certificate is "Axxx." He planned to change his last name to his father's last name (Txxx), but never did so he decided to use the last name that was given on his birth certificate (Axxx).

3. The applicant provides:

- a. A social security card with the full name as shown on his birth certificate.
- b. A Texas driver license with the applicant's last name as Axxx.
- c. A Texas Department of Health Certificate of Birth that shows the applicant's name listed as Axxx.

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

a. He enlisted in the Regular Army on 29 June 1974 as “Rxxx Exxx Txxx,” and authenticated the DD Form 4 (Enlistment Contract – Armed Forces of the United States) with his contested name.

b. DA Form 3284-R (Applicant’s Statement of Name Change) shows in item 1 (Name as Recorded on Birth Certificate) as “Rxxx Exxx Axxx,” and in item 5 (Name You Prefer to Use) as “Rxxx Exxx Txxx,” the contested name on his DD Form 214.

c. The applicant was honorably discharged from active duty on 4 November 1977. The applicant’s DD Form 214 shows the applicant completed 3 years and 2 days of active service. The DD Form 214 shows in item 1: the applicant’s contested name.

4. On 12 January 2012, the ABCMR denied the applicant’s original request to change his last name. They concluded that the applicant enlisted and served under the contested name. Additionally, the applicant provided no evidence his name was Rxxx Exxx Axxx at the time he served in or was discharged from the Army and that there is no evidence of record that suggest the name recorded in his military records exhibits a material error or injustice.

5. By regulation (AR 635-5), in effect at the time, the DD Form 214 is a summary of the Soldier’s most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation.

#### 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 last name that starts with Th\_\_, during his service. The Board found no evidence he served under or used the requested last name that starts with Al\_\_, 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:

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 to amend the decision of the ABCMR set forth in Docket Number AR20110013776 on 12 January 2012.

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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. Army Regulation 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.

2. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, prescribes the transition processing function of the military personnel system, including preparation of the DD Form 214.

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. For Item 1 (Name), compare with the original enlistment contract or appointment order and review the official record for possible name changes. If a name change has occurred, list other names of record in item 18 (Remarks).

//NOTHING FOLLOWS//