

IN THE CASE OF: ██████████

BOARD DATE: 1 August 2024

DOCKET NUMBER: AR20230014088

APPLICANT REQUESTS: reissue her DD Form 214 (Certificate of Release or Discharge from Active Duty) to delete/drop her middle name in Block 1 (Last Name, First Name, Middle Name).

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

- DD Form 149 (Application for Correction of Military Record)
- State ██████████ Special Certificate of Birth
- U.S. Passport
- Photocopy of a Social Security Card, State Issued Driver License and U.S. Government Common Access Card (CAC)

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 she is requesting her middle name ██████████ be dropped. She has changed her name from ██████████
3. The applicant provides her State ██████████ Special Certificate of Birth, U.S. Passport, social security card, state issued driver license and a U.S. Government CAC, all reflecting the requested name change of no middle name or initial, ██████████
4. A review of the applicant's service record shows:
 - a. The applicant enlisted in the Regular Army on 7 March 1979. Her DD Form 4 (Enlistment/r Reenlistment Document – Armed Forces of the United States) shows in Block 1 (Name (Last, First, Middle, Jr., Sr., etc)) ██████████ The applicant authenticated this form with her signature.

b. Her DA Form 2-1 (Personnel Qualification Record) lists the applicant's name with her middle name, [REDACTED] in Block 1 (name). The service record includes the applicant's middle name or middle initial throughout.

c. She was retired from active duty on 31 March 1999. Her DD Form 214 shows he completed 20 years and 22 days of active service with no lost time. It also shows in Block 1 (Name) [REDACTED]

4. By regulation (AR 635-8 - Separation Processing and Documents) 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 item 1 (Name) of the DD Form 214, compare the 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).

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 applicant's service records are not available for review. 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. The DD Form 214 reflects the facts and circumstances at the time the form was processed.

a. A majority of the Board determined that the evidence shows the applicant used the contested full name, consisting of a first, middle, and last names throughout her service. The majority found no evidence she served under or used a full name that did not contain her middle name. She also provides no post discharge court order confirming the name change/drop of her middle name. 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.

b. The member in the minority determined that the applicant's birth certificate does not include the middle name, so the member minority indicated they are willing to support the request.

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:

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.

8/1/2024

X █

CHAIRPERSON

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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; it explains separation document preparation, distribution, and correction. Paragraph 5-6 (Rules for Completing

the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides detailed instructions for data required in each block of the DD Form 214.

a. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created.

b. 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//