

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 August 2024

DOCKET NUMBER: AR20230014124

APPLICANT REQUESTS: his DD Form 214 (Armed Forces of the United States Report of Separation from Active Duty) item 4 (Date of Birth (DOB)) to reflect his correct DOB of 29 July 19XX (requested) vice 12 August 19XX (contested).

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Certificate of Birth
- MA Driver's License

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 his DD Form 214 lists the incorrect DOB. His DOB is reflected as 12 August 19XX; however, the correct DOB is 29 July 19XX.
3. The applicant was inducted in the Army of the United States on 4 May 1970. His DD Form 47 (Record of Induction) item 5 (Date of Birth) lists his contested DOB. His DA Form 20 (Enlisted Qualification Record), item 6 (Date of Birth), also reflects the contested DOB.
4. He was discharged under conditions other than honorable on 15 January 1976. The DD Form 214 shows in item 4 his DOB is listed as the contested DOB.
5. The applicant provides a Certificate of Live Birth from Puerto Rico which shows his DOB as 29 July 19XX. He also provides a driver's license reflecting his requested DOB.

6. By regulation (AR 635-5), 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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested date of birth during his entire period of service.

2. 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. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. The applicant is advised that a copy of this decisional document will be filed in his official military personnel file. This should serve to clarify any questions or confusion about the difference in the DOB in his military records and the DOB on his Certificate of Live Birth.

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.

[REDACTED]

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 635-5 (Separation Documents) 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. Item 4 (Date of Birth) states enter date in order shown on DD Form 214 using all numerals, e.g., 73 for year, 01 for January.

//NOTHING FOLLOWS//