

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2024

DOCKET NUMBER: AR20230014132

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his "requested first name" (Edwin) in lieu of his "contested first name" (Jerry)

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Indiana 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. A review of the applicant's service record shows he enlisted in the Regular Army (RA) on 26 August 1987. All documents contained in his official military personnel file list the contested name. These include, but are not limited to the following documents:

- DD Form 4/1-4/3 (Enlistment/Reenlistment Document)
- Separation Package
- Servicemembers Group Life Insurance Election
- Security Termination Statement
- DA Form 4188 (Military Personnel Office/Finance Office-Verification of Military Personnel Records Jacket (MPRJ) and "PFR")
- Orders 109-13, Headquarters U.S. Army Armor Center, Fort Knox, KY
- DA Form 2-1 (Personnel Qualification Record)

3. On 26 June 1989, he was discharged under the provisions of Army Regulation (AR) 635-200, chapter 10, for the good of the service, with service characterized as under other than honorable conditions. His DD Form 214 reflects the contested name.

4. On 23 August 2023, his characterization of service was upgraded and narrative reason for separation was unchanged. The DD Form 214 he was issued for this period of active service lists the contested name.

5. The applicant provided an Indiana Driver's License listing the requested name. His submissions were provided to the Board in their entirety.

6. The available evidence revealed the applicant served throughout his entire period of active military service using the contested name listed on the DD Form 214.

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 available evidence shows the applicant used the contested first name Jer** during his military service. The Board found no evidence he served under or used the requested first name Ed** during his service. 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 the first name recorded in his military records and to satisfy his desire to have his requested first 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 for correction of the records of the individual concerned.

█

█ █

█

█

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 (Separations Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut

record of active Army service at the time of release from active duty, retirement, or discharge.

//NOTHING FOLLOWS//