ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ▮▮▮▮▮▮▮▮▮▮▮

BOARD DATE: 30 August 2024

DOCKET NUMBER: AR20230014169

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 31 July 1970 to show the spelling of his first name as shown on his birth certificate.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Certificate of Live Birth, certified 21 August 1970
- DD Form 214

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 first name is misspelled on his DD Form 214. He would like the appropriate spelling of his first name on his DD Form 214 for future generations to see and to prevent any confusion.

3. He enlisted in the Regular Army on 2 August 1968. Item 5 (Last Name – First Name – Middle Name) of his DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows the spelling of his first name as De___.

4. A review of his military records revealed all applicable documents contain the spelling of his first name as De___ and he authenticated those documents with his signature showing the spelling of his first name as De___.

5. Headquarters, U.S. Army Training Center and Fort Campbell, Special Orders Number 209, 29 July 1970, relieved him from active duty and transferred him to the U.S. Army Reserve effective 31 July 1970. The spelling of his first name is shown as De___.

6. He was honorably released from active duty on 31 July 1970 and transferred to the U.S. Army Reserve. He completed 2 years of total active service during this period. Item 1 (Last Name – First Name – Middle Name) of his DD Form 214 shows his first name spelled as De___.

7. He provided a copy of his altered birth certificate, certified 21 August 1970, showing the spelling of his first name was lined through and corrected to show the spelling as Da___.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, 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. The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. 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. Based on this the Board determined relief is without merit and denied relief.

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.

3. 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 name recorded in his military records and to satisfy his desire to have his legal 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 15-185 (Army Board for Correction of Military Records) 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

3. Army Regulation 635-5 (Separation Documents), 23 January 1967 and 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. 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.

    a. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214.

    b. The specific instructions for item 1 stated to enter the last name, first name, and full middle name or names, if any.

<div align="center">//NOTHING FOLLOWS//</div>