

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 August 2024

DOCKET NUMBER: AR20230014279

APPLICANT REQUESTS:

- Correction of her military records to show her last name [REDACTED]
- Issuance of a DD Form 214 (Certificate of Release or Discharge from Active Duty)

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 there is no service history or discharge listed in her records. She was divorced in 1997 and changed her name from [REDACTED] back to [REDACTED] but her name is incorrectly still listed in the system as [REDACTED]. She joined the U.S. Marine Corps in 2002 under [REDACTED]. She has not been able to apply for any type of ID card or military benefits because she does not have her correct name in the system. She does not have a copy of her DD Form 214 and she needs this for her job with the state [REDACTED]. She has tried requesting it to no avail due to the name issue.

4. The applicant's enlistment documents contained a marriage certificate indicating the applicant with the last name [REDACTED] married an individual with the last name [REDACTED] dated [REDACTED]

3. The applicant enlisted in the U.S. Army Reserve on 4 December 1997 under the last name [REDACTED]. Her DD Form 4 (Enlistment/Reenlistment Document), and allied documents show she enlisted under the last name [REDACTED]

4. Her DD Form 1966 (Record of Military Processing) shows the applicant enlisted for:

- training in military occupational specialty (MOS) 25V, Combat Documentation/Production Specialist
- assignment to 982nd Signal Company

5. On 4 December 1997, the Raleigh Military Entrance Processing Station issued Orders 237-5, in the name of [REDACTED] ordering the applicant to initial active duty for training (IADT) under 10 U.S. Code 672 as follows:

- Proceed from your current home address and report to this station not later than 0600 on 11 March 1998 and then report to: 120th Adjutant General Battalion (Reception), Fort Jackson, SC Reporting date: 11 March 1998
- Proceed to Advanced individual training (AIT) location: Pensacola, FL Reporting date: 22 May 1998, Training period: Approx 42 weeks or completion of basic and MOS training. Military occupational specialty (MOS): 25V

6. On 5 March 1998, the applicant submitted a DA Form 4187 (Personnel Action) and statement requesting cancellation of training. She stated she can't go through with her enlistment in the Army Reserves, due to personal problems (separation from husband, caring for younger brother, unhealth home environment).

7. The U.S. Army Recruiting Battalion in Raleigh issued a memorandum cancelling her training in accordance with her request, due to family problems.

8. On 6 August 1998, the commander of 982nd Signal Company issued a memorandum informing the applicant of the initiation of discharge action in accordance with paragraph 4-4 of Army Regulation 135-178 (Enlisted Administrative Separations):

- The reason for my proposed action is the cancellation of her training reservation with Raleigh MBPS, because she failed to report to Basic Training.
- She had the right to present her written rebuttal or statement in her behalf or she waive these rights by endorsement hereon.
- If she is discharged under this program, her service would be described as uncharacterized. Acknowledgment of this memorandum is required by 12 August 1998

9. On 5 January 1999, Headquarters, 335th Theater Signal Command published Orders A-005-2 discharging the applicant from the USAR effective 19 June 1998. The discharge orders listed her last name as [REDACTED]

10. There is no evidence the applicant entered active duty for training or any other period of active duty that warranted the issuance of a DD Form 214.

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.

a. Name: Deny. The evidence of record shows the applicant enlisted and used the contested name [REDACTED]. Her enlistment contract and allied documents contained this last name. The Board found no evidence she enlisted or used the requested last name [REDACTED]. 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.

b. DD Form 214: Deny. 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. Since the applicant never served on active duty, she would not receive a DD Form 214.

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.

8/8/2024

X

■

CHAIRPERSON

■

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) establishes the standardized policy for preparing and distributing the DD Form 214. The purpose of the separation document is to provide the individual with documentary evidence of his or her active military service. The DD Form 214 is a summary of a Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active duty service at the

time of release from active duty, retirement, or discharge, and is not intended to have any legal effect on termination of a Soldier's service. A DD Form 214 will be prepared for each Soldier as indicated:

a. Active Army Soldiers on termination of active duty by reason of administrative separation (including separation by reason of retirement or expiration of term of service), physical disability separation, or punitive discharge under the Uniform Code of Military Justice;

b. Reserve Component (RC) Soldiers completing 90 days or more of continuous ADT, Full-Time National Guard Duty, active duty for special work, temporary tours of active duty, or Active Guard Reserve service. Also, RC Soldiers separated for cause or physical disability regardless of the length of time served on active duty;

c. Army National Guard (ARNG) and USAR Soldiers mobilized under Title 10, U.S. Code, sections 12301(a), 12302, or 12304, and ARNG Soldiers called into Federal service under Title 10, U.S. Code, chapter 15 or section 12406, regardless of length of mobilization, when transitioned from active duty. A Soldier who reports to a mobilization station and is found unqualified for active duty will be excluded from this provision. He or she will only receive a DD Form 220 (Active Duty Report); and

d. RC Soldiers completing initial ADT that results in the award of an MOS even when the active duty period was less than 90 days. This includes completion of advanced individual training under the ARNG of the United States Alternate Training Program or USAR Split Training Program.

//NOTHING FOLLOWS//