

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 August 2024

DOCKET NUMBER: AR20230014306

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his social security number (SSN) as shown on his social security card [REDACTED] vice [REDACTED]

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)
- Department of Veterans Affairs (VA) Form 21-138 (Statement in Support of Claim), undated
- Medicare Health Insurance Card, 1 April 2015
- Social Security Card, 28 August 2023

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 the SSN shown on his DD Form 214 is incorrect. His DD Form 214 should accurately reflect his service and basic information.
3. He was inducted into the Army of the United States on 2 September 1970. Item 2 (Service Number) of his DD Form 47 (Record of Induction) shows his SSN as [REDACTED]
4. Item 1 (Name and Service Number) of his DA Form 20 (Enlisted Qualification Record), 9 September 1970, shows his SSN as [REDACTED]
5. Item 4 (SSN) of his DD Form 1584 (National Agency Check Request), 10 September 1970, shows his SSN as [REDACTED]

6. He was honorably discharged on 25 November 1970 by reason of not meeting medical fitness standards at the time of enlistment. He completed 2 months and 24 days of net active service during this period. Item 3 (SSN) of his DD Form 214 shows his SSN as [REDACTED]
7. A review of his Official Military Personnel File revealed all applicable documents contain the SSN shown on his DD Form 47 and DD Form 214.
8. His military records do not contain a DA Form 2139 (Military Pay Voucher).
9. His VA Form 21-4138, undated, states his SSN is incorrect in the VA system. He had to have his SSN changed after his military service. He is awaiting a corrected DD Form 214 to submit a claim for compensation from the VA.
10. He provided copies of his current social security and Medicare cards showing his SSN as [REDACTED]

#### BOARD DISCUSSION:

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 applicant's contentions, his military records, and regulatory guidance were carefully considered. 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.

a. A majority of the Board noted that the evidence of record shows he enlisted, used, and served under the contested SSN, starting with [REDACTED] during his service. The Board found no evidence he served under or used the requested SSN starting with 405 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.

b. The member in the minority also note that the applicant did not use the requested SSN during service; however, the applicant has provided proof of his current and correct SSN.

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

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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 15-185 (Army Board for Correction of Military Records) prescribes policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. Board members will review all applications that are properly before them to determine the existence of an error or injustice and direct or recommend changes in military records to correct the error or injustice, if persuaded that material

error or injustice exists and that sufficient evidence exists in the record. The ABCMR will decide cases on the evidence of record; it is not an investigative body. 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), effective 1 February 1967, prescribed the separation documents that must be prepared for Soldiers on retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214, including the DA Form 20 and orders. The specific instructions for item 3 stated to transcribe the SSN from the individual's DA Form 2139.

//NOTHING FOLLOWS//