

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 July 2024

DOCKET NUMBER: AR20230014605

APPLICANT REQUESTS: correction of the deceased former service member's (FSM) DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect:

- his requested date of birth (as reflected on his Certification of Birth) in lieu of his contested date of birth (as reflected on his DD Form 214)
- his marital status as married in lieu of single

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

- DD Form 149 (Application for Correction of Military Record)
- FSM's birth certificate
- FSM's marriage certificate
- applicant's/next of kin's birth certificate

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:

a. Please correct the FSM's date of birth. His actual birthdate was the requested date of birth. His certificate of birth has been attached to this application.

b. Additionally, please correct the FSM's marital status, as he got married on 18 June 1961. His certificate of marriage has been included.

3. A DD Form 47 (Record of Induction) shows the FSM was inducted into the Army of the United States on 8 June 1958. This form also shows his contested date of birth and his marital status as single.

4. A DA Form 20 (Enlisted Qualification Record) shows the FSM's contested date of birth and his marital status as single.

5. The FSM's DD Form 214 shows:

a. He was honorably released from active duty and transferred to the U.S. Army Reserve (USAR) in Puerto Rico on 21 June 1960, due to expiration term of service (ETS).

b. He was credited with 2 years and 14 days of net active service.

c. Item 6 (Date of Birth) reflects his contested date of birth.

d. Item 9 (Marital Status) reflects his marital status as single.

6. There are no documents in the FSM's available service records that reflect his date of birth as his requested date of birth, or his marital status as married. All available service records reflect the FSM's contested date of birth and his marital status as single.

7. The applicant provided a copy of the FSM's birth certificate, which reflects his date of birth as his requested date of birth.

8. The applicant provided a copy of the FSM's marriage certificate, which reflects he was married on 18 June 1961, after the period of service covered by the FSM's DD Form 214.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the former Service member's (SM) military record, the Board found that partial relief was warranted. The Board carefully considered the former SM'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 the former SM's available military records the Board determined the former SM was married after his period of active-duty and correction to his DD Form 214 is without merit. Although the former SM used the contested date of birth (DOB) during his entire period of service, the Board agreed the overall merits of this case are sufficient as a basis for correction of the records for the individual concerned.

2. The Board found the evidence present does demonstrate the existence of a probable error or injustice. The Board agreed adding in the remarks section of the former SM's DD Form 214, Also Known As (A.K.A) with the former SM's date of birth as shown in his certificate of live birth would meet the intent for correction. The Board determined during deliberation, the former SM had foreign service in the Republic of Korea from 20

December 1958 to 8 February 1960 and is authorized award of the Korea Defense Service Medal (KDSM). Additionally, his records show exemplary service and shows he is eligible for the Army Good Conduct Medal (1st Award). Based on this, the Board granted partial relief to add AKA for his DOB in the remarks section of the former SM's DD Form 214 and him award the AGCM and the KDSM

3. 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.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by adding in

- block 26 (Decorations, Medal, Badges Commendations, Citations and Campaign Ribbons Awarded or Authorized):
 - Korea Defense Service Medal and
 - awarding the former SM the Army Good Conduct Medal for exemplary service from on 8 June 1958 to 21 June 1960 and adding the medal to his DD Form 214 for the period ending 21 June 1960.
- block 32(Remarks): Also Known As (A.K.A) his date of birth as shown on the former SM's certificate of live birth

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to correction to the applicant's marital status as married in lieu of single.



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 600-8-22 (Military Awards) states:

a. The Army Good Conduct Medal is awarded to individuals who distinguish themselves by their conduct, efficiency, and fidelity during a qualifying period of active-duty enlisted service. This period is 3 years except in those cases when the period for the first award ends with the termination of a period of Federal military service. Although there is no automatic entitlement to the Army Good Conduct Medal, disqualification must be justified.

b. The regulation provides for the issuance of letters of commendation and appreciation. It states that acts or services which do not meet the criteria for decorations, or the various authorized certificates may be recognized by written or oral expressions of commendation or appreciation. A written expression of commendation or appreciation will be typed on letterhead stationery and will not contain formalized printing, seals, or other distinguishing features which depart from normal letter form. Such letters may be issued to military personnel. Copies of each letter of commendation or appreciation will be distributed to the individual's Army Military Human Resource Record per Army Regulation 600-8-104 (Army Military Human Resource Records Management); however, there is no provision to list a letter of commendation or appreciation on the DD Form 214.

3. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribes policies and procedures regarding separation documents, including the standardized preparation of the DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge).

a. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. There are no provisions in the regulation for the annotation on the DD Form 214 of achievements or conditions that post-date the period of service covered by the DD Form 214.

b. The specific instructions for preparation of the DD Form 214 show:

(1) Item 6 (Date of Birth) shows "self-explanatory."

(2) Item 9 (Marital Status) shows to enter from the DA Form 20 (Enlisted Qualification Record) or DA Form 66 (Officer Qualification Record) as appropriate.

//NOTHING FOLLOWS//