

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 September 2024

DOCKET NUMBER: AR20230014707

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 6 March 1992 to show his middle and last names as shown on his new 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)
- DD Form 214
- State Department of Health Letter, 21 December 1995
- State Department of Health Bureau of Vital Statistics Certificate of Birth, issued 31 December 1995

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 he had his name legally changed and wants all service records to reflect his current name. He was advised that his DD Form 214 must match his current name for a home loan (presumed to mean Department of Veterans Affairs home loan).
3. On 2 April 1987 in preparation for enlistment in the U.S. Army Reserve, he completed a DD Form 398-2 (Department of Defense Personnel Security Questionnaire) wherein he recorded his name as [REDACTED]
4. He enlisted in the U.S. Army Reserve on 17 April 1987 under the Delayed Entry/Enlistment Program with a commitment to enlist in the Regular Army by 19 May 1987. He was discharged from the Delayed Entry/Enlistment Program and enlisted in the Regular Army on 19 May 1987. Item 1 (Name) of his DD Form 4 (Enlistment or

Reenlistment Document – Armed Forces of the United States) shows his name as

[REDACTED]

5. He was honorably released from active duty on 6 March 1992. He completed 4 years, 9 months, and 18 days of net active service during this period. Item 1 (Name) of his DD Form 214 shows his name as [REDACTED]

6. A review of his Official Military Personnel File revealed all applicable documents contain the name shown on his DD Form 398-2, DD Form 4, and DD Form 214.

7. The State Department of Health letter, 21 December 1995, notified his attorney that he was issued a new birth certificate showing his name as [REDACTED]

8. The State Department of Health Bureau of Vital Statistics Certificate of Birth, issued 31 December 1995, shows his name as [REDACTED]

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found partial relief is warranted.

2. The Board determined the evidence supports correction of the applicant's DD Form 214 to reflect the name shown on his reissued Certificate of Birth. The Board further determined this relief should not extend to any other documents in the applicant's service record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

[REDACTED]

[REDACTED]

[REDACTED]

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 amending his DD Form 214 to show his current name as shown on his reissued Certificate of 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 any relief in excess of that described above.

3/4/2025

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), effective 1 October 1979 and in effect at the time, prescribed the separation documents that must be prepared for Soldiers at the time of 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.
 - a. The general instructions stated personnel officers will use the following source documents when preparing the DD Form 214:
 - DA Form 201 (Military Personnel Records Jacket)
 - DA Forms 2 and 2-1 (Personnel Qualification Records)
 - separation orders
 - DD Form 4

- DA Form 3716 (Personnel Financial Record)
- enlistment records and DD Forms 214 for prior-service personnel
- any other available records

b. The specific instructions for item 1 stated to enter the name in all capital letters.

//NOTHING FOLLOWS//