

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 September 2024

DOCKET NUMBER: AR20230014708

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 21 December 1981 to show:

- his current social security number (SSN)
- his date of birth (DOB) 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, [REDACTED]
- DD Form 1584 (National Security Check), 27 December 1978
- Armed Forces Examining and Entrance Station Enlistment/Travel Order Number 3-3, 4 January 1979
- DD Form 214
- Social Security Card, 24 July 2017

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 served under the wrong SSN and his DOB was off by 1 day. His social security card was in his mother's possession at the time of his enlistment and he believes she gave him the SSN of one of his eight siblings. It is unclear how the discrepancy was not discovered during his background investigation. He is having issues seeking federal employment because his SSN is incorrect on his DD Form 214.

3. His DD Form 1584 (National Security Check Request), 27 December 1978, shows in:

- item 4 (SSN) – his SSN as [REDACTED]

- item 5 (Month, Day, Year of Birth) – his DOB as [REDACTED]
4. He enlisted in the Regular Army on 4 January 1979. His DD Form 4 (Enlistment/ Reenlistment Document – Armed Forces of the United States) shows in:
- item 2 (Social Security Account Number) – his SSN as [REDACTED]
 - item 7 (DOB) – his DOB as [REDACTED]
5. Armed Forces Examining and Entrance Station Enlistment/Travel Order Number 3-3, 4 January 1979, assigned him to active duty effective 4 January 1979. His SSN is shown as [REDACTED]
6. He was honorably released from active duty on 21 December 1981. His DD Form 214 shows in:
- item 3 (SSN) – his SSN as [REDACTED]
 - item 5 (DOB) – his DOB as [REDACTED]
7. His military records do not contain a DA Form 3716 (Personnel Financial Record).
8. A thorough review of his Official Military Personnel File revealed that all applicable documents contain the SSN and DOB shown on his DD Form 1584, DD Form 4, and DD Form 214.
9. He provided the following documents for consideration:
- a. his certificate of live birth showing his DOB as [REDACTED] and
 - b. his social security card issued on 24 July 2017 showing his SSN 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 noted the SSN recorded on the applicant's DD Form 214 is the only SSN found in his service records. The Board found insufficient evidence of mitigating factors that would provide a basis for changing an entry on the DD Form 214 that accurately reflects the data that was available when the form was completed. The Board determined the SSN shown on the applicant's DD Form 214 should not be changed.
3. The Board concurred with the correction described in Administrative Note(s) below.

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 making the amendment to his DD Form 214 described in Administrative Note(s) below.

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 the SSN on the applicant's DD Form 214.

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.

ADMINISTRATIVE NOTE(S): The applicant is authorized administrative correction of his DD Form 214 to show his DOB as shown on his birth certificate without Board action.

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 considers individual applications that are properly brought before it. 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. The ABCMR members will 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.

3. Army Regulation 635-5 (Separation Documents), 15 August 1979, prescribed the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparing and distributing the DD Form 214. 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 personnel officers will use the following source documents when preparing DD Forms 214 and other separation documents:

- DA Form 201 (Military Personnel Records Jacket)
- DA Forms 2 and 2-1 (Personnel Qualification Records)
- separation orders
- DD Forms 4 (Enlistment/Reenlistment Documents)
- DA Form 3716 (Personnel Financial Record)
- enlistment records and DD Forms 214 for prior service personnel
- any other available records

b. The detailed instructions for item 3 (SSN) stated to verify the accuracy with the SSN of record.

//NOTHING FOLLOWS//