

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 August 2024

DOCKET NUMBER: AR20230014836

APPLICANT REQUESTS: reconsideration of his previous request for correction of his DD Form 214 (Report of Separation from Active Duty) to show his last name as [REDACTED] instead of [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- State [REDACTED] Certification of Birth

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220010024 on 12 May 2023.

2. The applicant states he is requesting a change in his last name from [REDACTED] to [REDACTED]. The change is needed for benefits documentation and a Veteran identification card.

3. The applicant provides as new evidence a copy of his State of [REDACTED] [REDACTED] Certification of Birth showing the name change to [REDACTED]

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 30 June 1972. His DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows his last name as [REDACTED]

b. The applicant was released from active duty and transferred to the U.S. Army Reserve (USAR) on 3 May 1974. His DD Form 214 for this period of active service shows his last name as [REDACTED]

c. A DD Form 4 shows the applicant enlisted in the Regular Army on 23 May 1974. Block 5 (Last Name – First Name – Middle Name) lists his last name as [REDACTED]

d. The applicant was released from active duty and transferred to the USAR on

13 June 1978. His DD Form 214 for this period of active service also shows his last name as [REDACTED]

e. A review of the applicant's available records revealed his last name is listed as [REDACTED] throughout his service record.

5. On 12 May 2023, the ABCMR rendered a decision in Docket Number AR20220010024. The Board noted the applicant failed to provide any evidence to support his request. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed.

6. By regulation (AR 635-8), 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. The information entered thereon reflects the conditions as they existed at the time of separation. Block 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in Block 18 (Remarks).

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. 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 last name that starts with [REDACTED] during his service. The Board found no evidence he served under or used the requested last name that starts with [REDACTED] during his service. Additionally, the applicant does not provide a court order in support of a name change. 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 noted that they are willing to support the name change given that the applicant has had his name legally changed, provided the new

birth certificate and given the additional burden placed on someone with a name change.

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 to amend the decision of the ABCMR set forth in Docket Number AR20220010024 on 12 May 2023.

8/1/2024

X [REDACTED]

CHAIRPERSON
[REDACTED]

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 635-8 (Separation Processing and Documents), currently in effect, states 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. The information entered thereon reflects the conditions as they existed at the time of separation. Block 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in Block 18 (Remarks).

//NOTHING FOLLOWS//