

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 July 2024

DOCKET NUMBER: AR20230015084

APPLICANT REQUESTS: correction of deceased Servicemember (SM) DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect her last name in item 1 (Name (Last, First, Middle)) as her married name, G__.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) Identification (ID) Card
- State of Ohio Certification of Birth
- Certified Copy of Marriage Record
- State of Arizona Certificate of Death
- DD Form 214, for the period ending 24 February 1989
- DD Form 215 (Correction to DD Form 214)

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's brother states the SM is deceased and her name was not corrected to reflect her married name (G__) on her DD Form 214. In order for the family to apply for SM's headstone via the U.S. military, the last name should be corrected on her DD Form 214 to show her married name.

3. The SM's brother provides:

a. A photocopy of a VA ID card with an expiration date of 1 February 2025 that shows the SM's requested last name and a State of Ohio certification of birth that shows the SM's date of birth and given last name at birth of J__.

b. A certified copy of marriage record that reflects the marriage of the SM on 16 October 1992 and her spouse's last name as G__ (the requested last name).

c. State of Arizona Certificate of Death of SM, indicating her passing on 3 April 2022. It also shows in Item 20 (Informant's Name) and Item 21 (Relationship) identifies and demonstrates the applicant's relationship to the deceased SM.

d. The DD Form 214 and DD Form 215, to be referenced in the service record.

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

a. She enlisted in the Regular Army on 25 July 1978 for 4 years. Her DD Form 4 (Enlistment or Reenlistment Agreement – Armed Forces of the United States) shows in item 1 (Name (Last, First, Middle, Jr., Sr., etc)) the SM's last name as J__. The SM authenticated this form with her signature.

b. A DA Form 4187 (Personnel Action) dated 1 November 1983 that indicates the SM was married on 23 September 1983 and requested her name be changed to reflect the last name of E__ on her subsequent service records.

c. A divorce decree filed with Wayne County in the state of Ohio dated 6 January 1989 that does not specify whether or not the SM's last name would be changed from the contested last name.

d. She was honorably discharged from active duty on 24 February 1989. Her DD Form 214 shows she completed 9 years, 7 months and 29 days of active duty service with no lost time. Item 1 (Name) lists her last name as E__ (the contested last name).

e. SM was issued a DD Form 215 on 1 March 1991 to update her qualification badge information. The DD Form 215 lists the SM last name as E__ (the contested last name).

5. By regulation (AR 635-8 - Separation Processing and Documents) 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. For item 1 (Name) of the DD Form 214, compare the 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:

1. After reviewing the application, all supporting documents, and the evidence found within the former SM's 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. The Board determined the evidence presented does demonstrate the existence of a probable error or injustice. The former SM used the contested name during throughout her period of service. Upon review of the applicant's petition and the former SM's available military records, the Board determined the overall merits of this case are sufficient as a basis for correction of the records of the individual concerned. The Board agreed per regulatory guidance adding the former SM's married named to item 18 (Remarks) would meet the applicant's intent for correction. Based on this, the Board granted partial relief.

2. 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 amending the former SM's DD Form 214 for the period ending 24 February 1989, to show in item 18 (Remarks) : Also known As (A.K.A) the last name as it appears on the former SM's marriage certificate.

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 of deceased Servicemember (SM) DD Form 214 to reflect her last name in item 1 (Name (Last, First, Middle)) as her married name.



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 (AR) 635-8 (Separation Processing and Documents), prescribes policy and procedural guidance relating to transition management; it explains separation document preparation, distribution, and correction. Paragraph 5-6 (Rules for Completing the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides detailed instructions for data required in each block of the DD Form 214.

a. 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. The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created.

b. Block 1 (Name), 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//