

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 September 2024

DOCKET NUMBER: AR20230015199

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his middle name as Juan vice John.

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

- DD Form 149 (Application for Correction of Military Record)
- State of California Certificate of Live Birth
- 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 states he is requesting a change to his middle name to accurately reflect Juan vice John, which is incorrect. The correction of his middle name will allow it to align with all of his legal documents and identification cards. He would like to apply for benefits from the Department of Veterans Affairs (VA).
3. The applicant provides a copy of his State of California, Certificate of Live Birth showing his name as J__ Juan M__, Jr.
4. A review of the applicant's service record shows:
 - a. The applicant enlisted in the Army National Guard (ARNG) on 7 November 1988. His DD Form 4 (Enlistment/Reenlistment Contract – Armed Forces of the United States) shows his name listed as M__, J__ John Jr.
 - b. His DA Form 2-1 (Personnel Qualification Record) lists in Block 1 (Name) M__, J__, John Jr.

c. The applicant entered active duty on 31 July 1989. He was honorably released from active duty training on 3 November 1989. His DD Form 214 shows he completed 3 months and 4 days of active service. It also shows in Block 1 (Name) M___, J___ John Jr.

d. A DD Form 215 (Correction to DD Form 214) was issued on 15 April 1992 for correction of the DD Form 214 for the service period ending 9 May 1992. It also shows in Block 1 (Name) M___, J___ John Jr.

e. The applicant was released from ARNG on 6 November 1995. His NGB Form 22 (National Guard Bureau Report of Separation and Record of Service) shows he completed 7 years of net service for the period. It also shows in Block 1 (Last Name – First Name – Middle Name) his name listed as M___ J___ John Jr.

f. A review of the applicant's available service record revealed his name remained consistent throughout his military service, listed as J___ John M___, Jr.

5. 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 evidence shows the applicant used the contested full name, consisting of a first, middle, and last names throughout his service. The name he used contains the middle name John. The Board found no evidence he served under or used a full name that contains his middle name, Juan. 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 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.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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 for correction of the records of the individual concerned.

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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//