ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ▉▉▉▉▉▉▉▉

BOARD DATE: 30 July 2024

DOCKET NUMBER: AR20240000439

APPLICANT REQUESTS: his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) item 9 (Date of Birth (DOB)) to reflect his correct DOB of ▉▉▉▉▉▉ vice ▉▉▉▉▉▉ (contested).

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

- DD Form 149 (Application for Correction of Military Record)
- New York Driver License, DD Form 214, and Certificate of Birth

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 stated his DOB is incorrect on his DD Form 214. It should be ▉▉▉▉ ▉▉▉▉ It should be corrected so when he dies his correct DOB is on his stone/plaque. He never noticed until he applied for benefits.

3. The applicant was inducted into the Army of the United States on 4 April 1966. His DD Form 47 (Record of Induction) item 5 (Date of Birth) reflect the contested DOB. His DA Form 20 (Enlisted Qualification Record) item 6 (Date of Birth) also reflect the contested DOB.

4. He was honorably released from active duty and transferred to the U.S. Army Reserve on 3 April 1968. His DD Form 214 item 9 reflect the contested DOB..

5. The applicant provided his New York Driver License and Certificate of Birth which shows his DOB as ▉▉▉▉▉▉

6. By regulation (AR 635-5), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation.

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 of record shows he enlisted, used, and served under the contested DOB during his service. The Board found no evidence he served under or used the requested DOB during his service. 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.

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) 635-5 (Separation Documents) the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. The information entered thereon reflects the conditions as they existed at the time of separation. Item 9 states self-explanatory.

//NOTHING FOLLOWS//