

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 August 2024

DOCKET NUMBER: AR20240000532

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 [REDACTED] (requested) vice [REDACTED] (contested).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record) and Certificate of Live 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 states he believes this was a typo. His Veteran Service Officer discovered the difference in the dates while filing a claim.
3. The applicant enlisted in the Regular Army on 13 April 1970. His DD Form 4 (Enlistment Contract – Armed Forces of the United States) item 21 (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 12 April 1973. His DD Form 214 item 9 reflect the contested DOB.
5. The applicant provided a Certificate of Live Birth from Utah which shows his DOB as [REDACTED].

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. Additionally, 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.

a. A majority of the Board noted that the evidence of record shows he enlisted, used, and served under the contested DOB on (12th day of the month) during his service. The Board found no evidence he served under or used the requested DOB (2dn day of the month) during his service.

b. The member in the minority indicated that the applicant has provided his birth certificate as proof of the correct DOB which should be good enough to correct his DD Form 214.

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.

8/1/2024

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.

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//