

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 August 2024

DOCKET NUMBER: AR20240000569

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his date of birth (DOB) and middle name as listed on his Certificate of Live Birth.

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Live Birth
- 714ADP Personal Data Form
- DD Form 2216E (Hearing Conservation Data)
- General Information, Reception Battalion Automation Support System, Page 1
- 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 DOB is confirmed by a document resident in his Official Military Personnel File (OMPF) and Certificate of Live Birth; therefore, his DD Form 214 will be administratively corrected without action by the Board..
3. The applicant enlisted in the Regular Army on 28 July 1998. His DD Form 4 (Enlistment/Reenlistment Document) shows his middle name as the contested name.
4. On 1 August 2005, he was honorably released from active duty upon the completion of his required active service. His DD Form 214 shows his contested middle name as it is listed on all documents present in his OMPF.
5. The applicant provides a copy of his Certificate of Live Birth which shows the requested middle name.

6. Army Regulation 635-5 (Separation Documents), then in effect, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. When entering the name on the DD Form 214, enter in all capitals, include "SR," "JR" or "II," if appropriate. Compare Enlisted Record Brief/Officer Record Brief to contract for possible name change.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy and regulation. Upon review of the applicants petition and available military records, including his enlistment record, the Board determined there is sufficient evidence to grant partial relief. Based on this, the Board granted relief to correct the applicant's date of birth as reflected on his DD Form 214 to show the date of birth annotated on his certificate of live birth.

2. As it relates to the applicant's request to amend his middle name on his DD Form 214, the Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. Based on the service record and a preponderance of the evidence, the Board denied relief of this portion of his request.

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 partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 1 August 2005, to show his date of birth as that reflected on his Certificate of Live Birth.

2. The Board further determined that 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 amending his middle name on his DD Form 214.

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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 635-5 (Separation Documents), then in effect, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. When entering the name on the DD Form 214, enter in all capitals, include "SR," "JR" or "II," if appropriate. Compare Enlisted Record Brief/Officer Record Brief to contract for possible name change.
3. Army Regulation 15-185 prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. 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.

//NOTHING FOLLOWS//