

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240000849

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 15 August 2011, to show his first name as listed on his Certification of Birth.

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

- DD Form 149 (Application for Correction of Military Record)
- Certification of Birth
- DD Form 214
- United States of America Passport

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 enlisted in the U.S. Army Reserve on 13 February 2006. His DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) lists the contested first name.
3. Evidence shows he served in Iraq from 3 September 2010 to 3 July 2011.
4. On 15 August 2011, he was honorably released from active duty upon completion of his required active service. He completed 1 year, 1 months and 5 days net active service this period. The DD Form 214 he was issued shows the contested first name.
5. All documents present in his Official Military Personnel File contain the contested first name.
6. The applicant provides a copy of his Certification of Birth issued 30 July 2021 and United States of America passport issued 18 October 2023, which lists his first name as he requests.

7. 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.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The available evidence shows the applicant used the contested first name Richardo (with the letter "o" at the end of the name) during his military service. The Board found no evidence he served under or used the requested first name Richard without the letter "o" at the end of the name. However, the applicant provides a certification of birth as well as a U.S. Passport confirming his first name as Richard, without the letter o at the end of the first name. Although the Army has an interest in maintaining the integrity of its records for historical purposes and the information in those records must reflect the conditions and circumstances that existed at the time the records were created, for clarity, the Board determined an entry in the Remarks block of his requested first name is reasonable and appropriate.

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 showing in the Remarks Block of his DD Form 214 the requested first name (without the letter "o" at the end).

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 any relief in excess of that described above.



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) prescribes 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. Block 1 (NAME (Last, First, Middle)) states to compare the original enlistment contract or appointment order and review the official record for possible name changes. If a name change has occurred, list other names of record in block 18 (Remarks).

//NOTHING FOLLOWS//