

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 September 2024

DOCKET NUMBER: AR20240000991

APPLICANT REQUESTS: correction of her records to show her requested (married) name instead of the contested name.

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

- DD Form 149 (Application for Correction of Military Record)
- United States Uniformed Services Identification Card (Retired)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Certificate of Marriage
- State of Texas, Certification of Vital Record (Spouses Death Certificate)

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 her bank will not accept her direct deposit because the name on the account does not match the name in her official record. She has been retired for 23 years and never had an issue with her pay until recently. Her bank refused the direct deposit, and the Defense Finance and Accounting Service suspended her account. She has not been paid in 11 months.
3. The applicant enlisted in the United States Army Reserve (USAR) and served in an active-duty status from 1 October 1971 to 6 July 1972 until she was honorably discharged to accept a commission as an officer in the USAR. Block 1 (NAME (Last, First, Middle)) of her DD Form 214 lists her maiden name.
4. The applicant was commissioned a second lieutenant (2LT) in the USAR on 7 July 1972. Her DA Form 71 (Oath of Office-Military Personnel) is not available for review with this case. However, a DD Form 398 (Statement of Personal History) and a Certificates of Clearance, dated 18 March 1976 lists her maiden name.

5. A Second Certificate of Clearance dated 24 July 1990, Memorandum, USAR Personnel Center, St. Louis, MO, subject: Release from Active Duty (Officer) -20 Years Active Federal Service; and Orders P-04-010190 from the USAR Personnel Command, ST. Louis, MO, lists the contested name.

6. On 31 August 1998, she was honorably released from active duty, due to sufficient service for retirement. She completed 15 years and 3 months of net active service this period and 4 years, 9 months, and 11 days of total prior active service. The DD Form 214 she was issued lists the contested name.

7. The applicant provided:

- Certificate of Marriage, from the State of Washington, showing she was married on 26 May 1994, to a man with her married (requested) name
- United States Uniformed Services Identification Card (Retired), issued on 6 September 2017, showing the applicant's requested (married) name
- State of Texas, Certification of Vital Record (Spouses Death Certificate), showing he died on 3 September 2018, the applicant is listed as the informant using the requested (married) name

8. The available evidence does not contain a court order and divorce decree nor does the evidence show that she used the requested name while serving in an active-duty status.

9. 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 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 her military service. The name she used contains the last name (Sc***). The Board found no evidence she served under or used a full name that contains the last name (Ch***). Also, the applicant does not provide a court order reflective of a name change. 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. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

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) 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//