

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 September 2024

DOCKET NUMBER: AR20240001060

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 6 August 1992 to show the spelling of his name as shown on his birth certificate.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Certification of Vital Record, issued 11 May 1998

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 changed the name he used during his military service to his birth name shown on his birth certificate. His DD Form 214 has to match his birth certificate to apply for veterans' services. His driver's license shows his birth name.

3. His DD Form 1966 (Application for Enlistment – Armed Forces of the United States) shows in:

a. Section I (Personal Data), block 2 (Name), his name as S____ G____ M____;
and

b. Section X (Statement of Name for Official Military Records), block 48 (If the preferred enlistment name (name given in block 2) is not the same as on your birth certificate and it has not been changed by legal procedure prescribed by state laws, complete the following):

(1) block 48a (Enter Name Shown on Your Birth Certificate), his birth name as
E____ M____;

(2) block 48b (I hereby state that I have not changed my name through any court or other legal procedure, that I prefer to use the name of _____ by which I am known in the community as a matter of convenience and with no criminal intent. I further state that I am the same person as the person whose name is shown in block 2); his preferred name as S_____ G. M_____; and

(3) block 48c (My Social Security Account Number Reflects the Name), his name as S_____ G. M_____.

c. He signed this section of the form on 11 January 1982.

4. He enlisted in the Regular Army on 23 February 1982. Item 1 (Name (Last – First – Middle – Jr – Sr – etc.)) of his DD Form 4 (Enlistment/Reenlistment – Armed Forces of the United States) shows his name as S_____ G. M_____.

5. A review of his military records revealed all applicable documents contain his preferred name and he authenticated those documents with his signature showing the preferred name.

6. 519th Personnel Service Company, 18th Personnel Group (Airborne), Orders 98-3, 20 July 1992, reassigned him to the U.S. Army Transition Point for discharge processing effective 6 August 1992. The standard name line shows his name as S_____ G. M_____.

7. He was honorably discharged on 6 August 1992. He completed 10 years, 5 months, and 14 days of net active service during this period. Item 1 (Name (Last – First – Middle)) of his DD Form 214 shows his name as S_____ G_____ M_____.

8. He provided a copy of his birth certificate issued 11 May 1998 showing his birth name as E_____ M_____.

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 discloses the requested name upon his enlistment, but he elected to use the contested name. He then used the contested full name during his military service. Aside from disclosing the requested name upon his enlistment, the Board found no evidence he served under or used the requested full name. The spelling of his middle and last names remained unchanged. Only his first name changed from E_____ (birth) to S_____ (preferred) and back to E_____ (birth). Since he disclosed the requested name and since this name matches the name shown on his

provided birth certificate, the Board determined the listing of his requested name in the Remarks block of his DD Form 214 is 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 adding to the Remarks Block of his DD Form 214 an entry pertaining the name shown on his birth certificate.
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 changing his full name as shown in Block 1 of 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 15-185 (Army Board for Correction of Military Records) 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. The ABCMR members will direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists in the record.

3. Army Regulation 635-5 (Separation Documents), 15 August 1979, prescribed the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparing and distributing the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.

a. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214.

b. The specific instructions for item 1 stated to enter the name in all capital letters. Include "JR," "SR," or "II" when needed.

//NOTHING FOLLOWS//