

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 September 2024

DOCKET NUMBER: AR20240001255

APPLICANT REQUESTS: In effect, his DD Form 214 (Certificate of Release or Discharge from Active Duty) item 19b (Nearest Relative) changed from his ex-spouse (A.W.M.) to his current spouse (D.A.M.).

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

- DD Form 149 (Application for Correction of Military Record)
- Human Resource Command (HRC) letter, 30 October 2023
- Request pertaining to military records
- DD Form 214, 30 April 2011
- Judgement of Absolute Divorce, 13 November 2020
- Marriage Record, 2 April 2022

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 wants to add his new wife (D.A.M.) and remove his ex-wife (A.W.M.) to reflect his current wife and to update his DD Form 214 with the correct information.
3. The applicant enlisted in the U.S. Army Reserve (USAR) on 21 July 1987.
4. He was commissioned as a Reserve Commissioned Officer on 6 May 1989.
5. Orders 75-26-A-190, issued by Headquarters, U.S. Army First Region, U.S. Army ROTC Cadet Command, Fort Bragg, NC, shows he was ordered to active duty with a report date of 10 May 1990.

6. He was honorably retired on 30 April 2011. He completed 20 years, 11 months, and 22 days net active service this period. His DD Form 214 shows in item 19b: his wife at the time A.W.M.

7. The applicant provides:

a. Judgement of absolute divorce in the circuit court for Prince George's County, MD, showing an amended complaint for absolute divorce having come for a hearing before the Honorable Judge H.C.D. on 24 September 2020 and 15 October 2020, it was 13 November 2020, ordered that the plaintiff is granted an absolute divorce.

b. Marriage record for the state of MD, showing he was married to D.A.G. on 2 April 2022.

c. HRC letter, 30 October 2023, responding to his request for block 19b "Nearest Relative" change to his military service record. Unfortunately, this command is unable to grant this change. For historical purposes, the Army has an interest in maintaining the accuracy of its records. The information contained therein should reflect the conditions and circumstances that existed at the time the records were created and under which the military service was performed. HRC directed him to Army Review Boards Agency.

8. By regulation, Army Regulation 635-5 (Separation Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The regulation provides that the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation.

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 DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. The fact that the applicant was divorced or remarried has no bearing or relevance to the entry made on the DD Form 214 at the time of his separation.

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.

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) establishes the standardized policy for preparing and distributing the DD Form 214. The regulation provides that the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate and reflects the conditions as they existed at the time of separation. Item 19b (Nearest Relative) states: Advise a soldier that the name and address of a relative should be someone who will know their location and address at all times. When a relative is not available, use a close friend. When the person is at the same address as 19a, enter "(NAME) and ADDRESS SAME AS BLOCK 19a.

//NOTHING FOLLOWS//