

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 September 2024

DOCKET NUMBER: AR20240001432

APPLICANT REQUESTS: correction of is DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his last name as B\_\_\_e vice B\_\_\_t.

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certification

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 is requesting correction of the spelling of his last name. He needs his legal name and his DD Form 214 to match in order for him to apply for Veterans benefits. He realized the last name was an issue when he began the application process for benefits.
3. The applicant provides a copy of his certificate of birth showing the last name B\_\_\_e.
4. A review of the applicant's service record shows
  - a. He enlisted in the Regular Army on 27 Mar 1963. His DD Form 4 (Enlistment Record – Armed Forces of the United States) shows his last name B\_\_\_t, the contested last name.
  - b. A review of the applicant's available service records revealed his last name as B\_\_\_t, the contested last name, throughout his service record.
  - c. He was honorably released from active duty on 25 March 1966. His DD Form 214 shows in Block 1 (Last Name, First Name, Middle Name), B\_\_\_t, M\_\_\_ K\_\_\_.

5. By regulation (AR 635-8), 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. Block 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in Block 18 (Remarks).

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board noted the applicant consistently spelled his last name as B\_\_\_\_t throughout his period of service. The Board found insufficient evidence of mitigating factors that would support changing an entry on the DD Form 214 that accurately reflects the data that was available when the form was completed. The Board determined the spelling of the applicant's last name on his DD Form 214 should not be changed.
3. The applicant is advised that a copy of these proceedings will be filed in his Official Military Personnel File, which will serve to explain the difference between the name on his Birth Certification and the name on his DD Form 214.

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 635-8 (Separation Processing and Documents), currently in effect, states 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. Block 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in Block 18 (Remarks).

//NOTHING FOLLOWS//