

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 October 2024

DOCKET NUMBER: AR20240002716

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from ACTIVE Duty) to reflect his last name as D__ vice M__.

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

- DD Form 149 (Application for Correction of Military Record)
- South Carolina Department of Health and Environmental Control, Vital Record Card
- Social Security Card

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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 his last name needs to be changed to D__.

3. The applicant provides:

a. A Department of Health and Human Environmental Control, Vital Records Card which shows his name as A__ D__.

b. A Social Security Card which shows his name as A__ D__.

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 31 January 1974. His DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows in Block 5 (Last Name – First Name – Middle Name) listed as M__ A__, the contested last name. He authenticated the form with his signature.

b. The available service record includes the below listed documents with the applicant's last name listed as M___, the contested last name.

- DA Form 20 (Enlisted Qualification Record)
- DA Form 873 (Certificate of Clearance and/or Security Determination)
- Orders Number 19-22, issued by Headquarters Presidio of San Francisco, Presidio of San Francisco, California dated 27 January 1977.

c. He was was honorably released from active duty on 27 January 1977. His DD Form 214 shows he completed 2 years, 11 months, and 27 days of active service. Block 1 (Last Name – First Name – Middle Name) shows his name as M___, A___ He authenticated this form with his signature.

5. By regulation, for block 1 (Name) of the DD Form 214, 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 that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. Based on the service record and a preponderance of the evidence, the Board denied relief.

2. 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. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed.

3. The applicant is advised that a copy of this decisional document, along with his application and the supporting evidence he provided, will be filed in his official military records. This should serve to clarify any questions or confusion regarding the difference in the name recorded in his military records and to satisfy his desire to have his name documented in his military records.

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, United States 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 policy and procedural guidance relating to transition management. It consolidates the policies, principles of support, and standards of service regarding processing personnel for transition. Paragraph 5-6 (Rules for completing the DD Form 214) provides detailed instructions for data required in each block of the DD Form 214. For Block 1, Name. 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//