

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240002825

APPLICANT REQUESTS: reconsideration of his previous requests to correct his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his date of birth (DOB) as shown on his U.S. Passport, driver's license, and Social Security Administration (SSA) letter.

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)
- DD Form 214
- SSA Letter, 9 October 2003
- U.S. Passport, issued 1 June 2018
- Driver's License, issued 28 October 2020

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Numbers AR20110024934 on 12 January 2003 and AR20230005955 on 19 December 2023.
2. The applicant states his DD Form 214 shows the wrong day and year of his birth. He requests correction of his DD Form 214 for integrity and to prevent complications for his family with his burial arrangements in a military cemetery.
3. Item 5 (DOB) of his DD Form 398 (Statement of Personal History), 10 February 1966, shows he recorded his DOB as 1 \_\_\_\_ 1941.
4. Item 5 (DOB) of his DD Form 47 (Record of Induction), 16 February 1966, shows his DOB as 1 \_\_\_\_ 1941.
5. A review of his military records revealed all applicable documents contain the DOB shown on his DD Form 398, DD Form 47, and DA Form 20 (Enlisted Qualification Record).

6. On 15 February 1968, he was released from active duty and transferred to the U.S. Army Reserve Control Group (Annual Training). Item 9 (DOB) of his DD Form 214 shows his DOB as 1 \_\_\_\_ 1941.

7. On 12 June 2012 in Docket Number AR20110024934, the ABCMR denied his request. The Board determined the evidence presented did not demonstrate the existence of a probable error or injustice. The Board stated he used the DOB of 1 \_\_\_\_ 1941 upon induction into the Army of the United States. This DOB is consistent with various documents in his military records throughout his period of military service. He authenticated several documents in his record by placing his signature in the appropriate block, indicating this was his correct DOB. He did not use the DOB that he now requests to be documented in his records.

8. On 19 December 2023 in Docket Number AR20230005955, the ABCMR again denied his request. The Board determined the evidence presented did not demonstrate the existence of a probable error or injustice. The Board stated the evidence shows he used the contested date of birth during his military service. There isn't at least one document in his available service records to corroborate the use of the requested DOB during his service. The Board noted he was authorized administrative correction of his DD Form 214 to show missing Vietnam service awards and inclusive dates of Vietnam service to more accurately depict his military service.

9. On 31 January 2024, he was issued a DD Form 215 (Correction to DD Form 214), adding award of the Meritorious Unit Commendation (2nd Award), Vietnam Service Medal with two bronze service stars, and Republic of Vietnam Gallantry Cross with Palm Unit Citation; and his inclusive dates of Vietnam service.

10. He previously provided the State District Court Order of Court, 12 December 2011, directing the U.S. Citizenship and Immigration Service to amend and issue him a new Certificate of Naturalization and to correct his DOB originally listed as 1 \_\_\_\_ 1941 to read 21 \_\_\_\_ 1939.

11. The SSA Letter, 9 October 2003; his U.S. Passport, issued 1 June 2018; and his driver's license, issued 28 October 2020; show his DOB as 21 \_\_\_\_ 1939.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The available evidence shows the applicant used the contested date of birth that contains the year 1941 during his military service. Although the applicant provides a Certificate of Naturalization, SSA Letter, dated 9 October 2003; U.S. Passport, issued 1 June 2018; and his driver's license, issued 28 October 2020; all reflecting his DOB as 21 \_\_\_\_ 1939, the Board found no evidence he served under or used the requested date of birth that contains the year 1939. 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. Since he used the contested DOB during his military service, his official records, including his DD Form 214 reflect that DOB.

2. 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 date of birth recorded in his military records and to satisfy his desire to have his requested date of birth documented in his military records. Additionally, the applicant may use this Record of Proceedings to explain the difference in the date of birth.

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 to amend the decision of the ABCMR set forth in Docket Numbers AR20110024934 on 12 January 2003 and AR20230005955 on 19 December 2023.

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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. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. Board members will review all applications that are properly before them to determine the existence of an error or injustice and 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. 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.

2. Title 50, U.S. Code, section 3802, provides that male citizens of the United States and other male persons residing in the United States who are between the ages of 18 and 26, except those exempted by sections 3 and 6(a) of the Military Selective Service Act, must present themselves for registration at such time or times and place or places, and in such manner as determined by the President.

3. Army Regulation 635-5 (Separation Documents), effective 1 February 1967 and in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The purpose of a separation document is to provide the individual with documentary evidence of his or her military service. It is a vital record for interested Government agencies which assist the veteran in obtaining the rights and benefits to which he or she is entitled. It is important that all information entered thereon is complete and accurate. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214, including the DA Form 20 and orders.

//NOTHING FOLLOWS//