

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 November 2024

DOCKET NUMBER: AR20240002830

APPLICANT REQUESTS: correction of his discharge documents to reflect his middle name as P--FIT in lieu of P--PHET

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

- DD Form 149 (Application for Correction of Military Record)
- birth certificate

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 his middle name for record is misspelled P--PHET and should be spelled P--FIT as shown on his birth certificate. The correction is within keeping an accurate account of his middle name.
3. The applicant provides his birth certificate, which shows his middle name as P--FIT. He was born on 15 September 1964 and the birth certificate was issued on 15 November 2001.
4. The applicant's service record contains the following documents:
 - a. DD Forms 4 (Enlistment/Reenlistment Document Armed Forces of the United States) shows he entered the Regular Army on 18 February 1987. His middle name is spelled P--PHET. He entered the Army National Guard (ARNG) on 16 November 1991. His middle name is spelled P--PHET.
 - b. DD Forms 214 (Certificate of Release or Discharge from Active Duty) for the periods ending 2 July 1985, 15 November 1991, 15 October 2006, and 30 January 2012 show his middle name is spelled P--PHET.

c. Orders 137-321, published by The Adjutant General, State of Georgia, 17 May 2017 honorably transferred him to the Retired Reserve effective 26 May 2017. His middle name is spelled P--PHET.

d. NGB Form 22 (National Guard Report of Separation and Record of Service) honorably transferred him from the ARNG to the Retired Reserve effective 26 May 2017. His middle name is spelled P--PHET.

e. There are no service records reflecting his middle name spelled P--FIT.

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 and standard review based on law, policy and regulation. The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested middle name during his entire period of service. Upon review of the applicants request and available military records the Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. Based on this 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 middle name recorded in his military records and to satisfy his desire to have his legal middle name documented in his military records.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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|---|---|---|----------------------|
| : | : | : | 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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-

cut record of active Army service at the time of release from active duty, retirement, or discharge. Block 1 (NAME (Last, First, Middle)) states to compare the original enlistment contract or appointment order and review the official record for possible name changes. If a name change has occurred, list other names of record in block 18 (Remarks).

//NOTHING FOLLOWS//