

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 November 2024

DOCKET NUMBER: AR20240003023

APPLICANT REQUESTS:

Correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 1 (Last Name – First Name – Middle Name) – his first name as [REDACTED] rather than [REDACTED].

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- The upper portion of a DD Form 214 (Report of Separation from Active Duty)
- Certificate of live birth

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 believes his record is in error.
3. The applicant enlisted in the Regular Army, on 24 February 1971. Item 5 (Last Name – First Name – Middle Name) of his DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows his first name as [REDACTED]. He endorsed the enlistment contract by signature with his first name as [REDACTED].
4. A DA Form 428 (Application for Identification Card) issued on 16 February 1972 shows in item 1 (Last Name – First Name – Middle Name) his first name as [REDACTED]. He endorsed the application by signature with his first name as [REDACTED].
5. The applicant was honorably relieved from active duty on 22 February 1974, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel). His DD Form 214 shows his first name as [REDACTED] in item 1. He endorsed his DD Form 214 by signature with his first name as [REDACTED].

6. He enlisted in the New York Army National Guard (NYARNG) on 27 August 1975. His DD Form 4 shows his first name as [REDACTED]. He endorsed the enlistment contract by signature with his first name as [REDACTED].

7. He was honorably discharged from the NYARNG on 26 August 1976, under the provisions of National Guard Regulation 600-200 (Enlisted Personnel Management). His National Guard Bureau Form 22 (Report of Separation and Record of Service) shows in item 1 (Name (Last, First, Middle Initial)) his first name as [REDACTED].

8. A review of the applicant's record shows his first name consistently appears as [REDACTED].

9. The applicant provides a certificate of live birth witnessed on 5 December 2012, that shows his first name as [REDACTED].

10. For historical purposes, the Army has an interest in maintaining the integrity of its records. The data and information contained in those records should reflect the conditions and circumstances that existed at the time the records were created. In the absence of a showing of material error or injustice, there is a reluctance to recommend that those records be changed.

#### 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 evidence of record shows he enlisted, used, and served under the contested first name that ends with the letter Y, during his service. The Board found no evidence he served under or used the requested last name that starts with E, during his service. Additionally, the applicant does not provide a court order in support of a name change. 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. 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.

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 his first name recorded in his military records and to satisfy his desire to have his requested first 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, 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 635-5 (Separation Documents) prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. The version in effect at the time established standardized policy for preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-

cut record of active Army service at the time of release from active duty, retirement, or discharge. It states 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, reflective of the conditions as they existed at the time of separation. For item 1, enter name in all capital letters in the order shown. Include abbreviation for junior, senior, second, when appropriate.

//NOTHING FOLLOWS//