

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20240003491

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty), ending on 1 February 1979 to show the social security number (SSN) listed on his statement from the Social Security Administration.

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

- DD Form 149 (Application for Correction of Military Record)
- Social Benefit Information
- Congressional Correspondence (two letters)
- Statement from the Social Security Administration

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 a clerical error was made at the time of enlistment. The wrong information was given. His social earnings/benefits information has already been corrected.
3. The applicant's DA Form 1966/1 (Application for Enlistment) and his DD Form 4 (Enlistment or Reenlistment Agreement) show he enlisted in the U.S. Army Reserve (USAR) and the Regular Army using the contested SSN (xx-xx-[REDACTED]).
4. His DA Form 873 (Certificate of Clearance and/or Security Determination) shows the applicant was investigated using the contested SSN.
5. On 1 February 1979, he was honorably released from active duty and transferred to the USAR (Control Group Reinforcement), in pay grade E-4, which was the highest pay grade he achieved. The DD Form 214 he was issued shows in:

- Block 3 (SSN) - the contested SSN
- Block 9c (Authority and Reason) - "Army Regulation (AR) 635-200, chapter 2, "SPD LBK [Expiration of Term of Service]"
- Block 18a (Net Service This Period) - 3 years
- Block 18f (Foreign and/or Sea Service) - [Germany], 2 years, 5 months, and 24 days
- Block 26 (Decorations, Medals, Badges, Commendations, and Citations and Campaign Ribbons Awarded or Authorized) – the Marksman Marksmanship Qualification Badge Rifle (M-16)

6. The applicant provided his Social Benefit Information and a Statement from the Social Security Administration showing his correct SSN is xxx-xx-██████, the requested SSN. However, up until 1990, his wages were reported under the contested SSN, which belongs to another person. On 24 November 1993, the Social Administration advised him that action was being taken to correct his earnings and post them to the correct account. He also provided Congressional Correspondence, dated March 1994. His submissions were provided to the Board in their entirety.

7. Orders 032-194, Headquarters, U.S. Army Training Center, Fort Dix, NJ, confirms the applicant was separated using the contested SSN.

8. All of his service records reflect the contested SSN shown on his DD Form 214.

#### BOARD DISCUSSION:

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 SSN, ending in 815 during his military service. The Board found no evidence he served under or used the requested SSN ending in 409 during his service. Although the applicant provides a social security benefits information form reflective of the last three digits of his SSN as "409," he did not provide evidence consisting of at least one official military document reflective of his use of the SSN he requests. 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.

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) 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 3 states check records with separatee's social security card when possible. Otherwise, verify the accuracy of the SSN of record by checking the Enlisted Record Brief or Officer Record Brief.

//NOTHING FOLLOWS//