

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 November 2024

DOCKET NUMBER: AR20240003557

APPLICANT REQUESTS: in effect, correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 15 December 2006 to show her:

- last name as listed on her Driver's License [REDACTED]
- year of birth as listed on her Certificate of Birth [REDACTED]
- address as listed on her Driver's License [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Birth, [REDACTED]
- DD Form 214
- Report of Divorce or Annulment of Marriage, 27 December 2006
- Orders D222-01, U.S. Army Physical Disability Agency, 9 August 2012
- Application, License and Certificate of Marriage, [REDACTED]
- Social Security Administration Card, 21 May 2015
- Driver's License, [REDACTED]

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 her year of birth is erroneously listed in some places in "the system." "Only need updates to the system in the form of corrections of name, year of birth, address and phone."
3. Using her birth name [REDACTED] and the year of birth [REDACTED] the applicant enlisted in the Army National Guard (ARNG) on 26 April 1996.

4. On 3 May 1997, she married, changing her last name from [REDACTED] (the contested name).
5. On 31 May 1998, she was released from the ARNG and transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training) for completion of her statutory obligation. The National Guard Bureau Form 22 (Report of Separation and Record of Service) lists the contested name. Her date of birth is listed as she requests.
6. She entered active duty as a member of the USAR on 26 February 2003.
7. She was honorably released from active duty on 15 December 2006, upon the completion of her required active service. The DD Form 214 she received lists in:
 - Item 1 (name (Last, First Middle)) the contested name
 - Item 5 (date of Birth) her date of birth is listed as she requests.
 - Item 19a (Mailing Address After Separation) an address [REDACTED]
8. On 27 December 2006, her divorce decree was signed.
9. On 13 September 2012, she was released from assignment and duty due to physical disability which permitted her retirement for permanent physical disability. The orders she received list an erroneous date of birth (it shows 1972 vice 1979).
10. On 20 May 2015, she remarried. She provides a copy of the Application, License and Certificate of Marriage, Driver's License and Social Security Administration card which lists the name she requests. Her date of birth is listed on her Certificate of Marriage and Driver's License as she requests.
11. The applicant does not provide a post discharge court order of the name change.
12. The DD Form 214 is a snapshot in time, the name and address is not intended to be changed or updated each time the individual or family member relocates following a Soldier's separation.

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 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 Board made the following recommendations:

a. Change Name. Deny. The evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during her 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.

b. Date of Birth. Deny. The Board majority determined there was insufficient evidence as a basis to amend the applicant's year of birth from 1979 vice 1972. The Board minority determined the applicant's subsequent DD Form 214 with the requested year of birth was sufficient to amend the applicant's previous DD Form 214 with the requested year of birth.

c. Address. Deny. The evidence presented does not demonstrate the existence of an error or injustice as it relates to the applicant's request for an address amendment. The applicant used the contested address and despite the applicant's change of address on her drivers license, the Board found no evidence to support the change and denied relief.

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 635-8 (Separation Processing and Documents), establishes the policies and provisions for the preparation and distribution of the DD Form 214. 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. The regulation states block 19a (Mailing Address After Separation) is provided by the Soldier and must be a permanent address for mailing purposes. The "permanent" address serves as a basis for contacting a Soldier within a short time after separation in the event the need arose. The regulation states that block 19b (Nearest Relative) is provided by the Soldier and should reflect the name and address of a relative who would know the Soldier's location and address. If a relative is not available, list a close friend.

//NOTHING FOLLOWS//