

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 November 2024

DOCKET NUMBER: AR20240003610

APPLICANT REQUESTS: correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 1 (Name) his last name reflects his legal name of R_____.

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

- DD Form 149 (Application for Correction of Military Record), 28 December 2023
- birth certificate, drivers license, and social security card

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, when he joined the United States Army in 1980, his stepfather and mother were supposed to do a name change. He had no idea at the time. Fast forward to 2010 he had lost his wallet, he requested a copy of his birth certificate, and learned his birth certificate showed his last name as R_____.
3. He enlisted in the Regular Army on 22 January 1980. Item 1 (Name) of his DD Form 4 (Enlistment/Reenlistment Document- Armed Forces of the United States) shows the contested last name.
4. He was honorably released from active duty on 21 February 1984 and transferred to the U.S. Army Reserve. Item 1 (Name) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the contested last name.
5. The applicant provided copies of:
 - his Standard Certificate of Live Birth showing his last name as R_____;
 - his social security card showing his last name as R_____; and
 - his driver's license showing his last name as R_____.

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 evidence of record shows he enlisted, used, and served under the contested last name that starts with R, during his service. The Board found no evidence he served under or used the requested last name that starts with T, 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.

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.

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. It 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. For item 1, enter name in all capital letter. Include "JR," "SR," or "II".

//NOTHING FOLLOWS//