

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE:

DOCKET NUMBER: AR20240003766

APPLICANT REQUESTS: his date of birth (DOB) be corrected on his service record.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- State of New York – Certificate of Vital Records
- DA Form 2-1 (Personnel Qualification Record)
- DA Form 2A (Personnel Qualification Record, Part I)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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 year of birth is incorrect. His DOB is XX June [REDACTED] but in his service record, it is shown as XX June [REDACTED]. His DOB on his DD Form 214 does not match the DOB on his birth certificate.
3. The applicant provides the above listed Certificate of Vital Record with his DOB shown as XX June [REDACTED].
4. A review of the applicant's service record shows:
  - a. He enlisted in the Regular Army on 13 July 1976. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows on Block 5 (Date of Birth) XX June [REDACTED], a date different from that reflected on his Certificate of Vital Records.
  - b. His DA Form 2A, dated 28 May 1992, reflects the applicants DOB as XX June [REDACTED].

c. He was honorably released from active duty on 31 July 1992. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 16 years and 18 days of active service. It also shows in Block 5 (Date of Birth) XX June [REDACTED] as his DOB, a date different from that reflected on his Certificate of Vital Record.

5. By regulation, 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. For Block 5 (DATE OF BIRTH), from the source documents, DA Form 2-1 (Personnel Qualification Record), DA Form 2A (Personnel Qualification Record, Part I) and/or the DD Form 214 (Certificate of Release or Discharge from Active Duty), enter the date using six-digit number in this item; year, month, and day written in that sequence without spaces or slashes, e.g., [REDACTED]

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. One potential outcome discussed was to grant relief based upon the change to the DOB being a single digit (minor change), which is supported by a provided birth certificate. However, based upon the available military record showing the applicant used the contested DOB during his entire period of military service and the change, if approved, would make the applicant 17 upon entry in the military service (and requiring parental approval), the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's DOB.

#### BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
[REDACTED]	[REDACTED]	[REDACTED]	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, United States 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. For Block 5 (DATE OF BIRTH), from the source documents, DA Form 2-1 (Personnel Qualification Record), DA Form 2A (Personnel Qualification Record, Part I) and/or the DD Form 214 (Certificate of Release or Discharge from Active Duty), enter the date using six-digit number in this item; year, month, and day written in that sequence without spaces or slashes, e.g., 590612 for 12 Jun 59.

//NOTHING FOLLOWS//