

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 December 2024

DOCKET NUMBER: AR20240003820

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in item 1 (Last Name, First Name, Middle Name) his first name as Melvin vice Nathan .

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, period ending 28 June 1982
- Certificate of Navajo Indian Blood, 16 July 2012
- Navajo Election Office, Voter's Registration, 17 May 2013
- Internal Revenue Service letter, 26 January 2022
- [REDACTED] Taxation and Revenue Department, 6 June 2022
- U.S. Department of the Interior, Bureau of Trust Funds Administration, 9 January 2024
- Veteran's Affairs Appointment Reminder, 12 January 2024
- Navajo, Veterans' Affairs letter, 26 January 2024
- Department of Veteran's Affairs Rating Decision letter, 27 January 2024
- Social Security Card
- [REDACTED] Identification Cards
- Department of Veterans Affairs Identification 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 he is requesting a change in his DD Form 214 to reflect his first name as [REDACTED] vice [REDACTED]. He was harassed during his time in service, and he believes it was due to his name as [REDACTED]. He did not want to continue being harassed and stated his name was [REDACTED]. He did not realize the impact it would have in the future.

3. The applicant provides the below listed documents as proof of identification and list the requested first name.

- Certificate of Navajo Indian Blood, 16 July 2012
- Navajo Election Office, Voter's Registration, 17 May 2013
- Internal Revenue Service letter, 26 January 2022
- [REDACTED] Taxation and Revenue Department, 6 June 2022
- U.S. Department of the Interior, Bureau of Trust Funds Administration, 9 January 2024
- Veteran's Affairs Appointment Reminder, 12 January 2024
- Navajo, Veterans' Affairs letter, 26 January 2024
- Department of Veteran's Affairs Rating Decision letter, 27 January 2024
- Social Security Card
- [REDACTED] Identification Cards
- Department of Veterans Affairs Identification Card

4. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 14 August 1979. His DD Form 4 (Enlistment/Reenlistment Document) shows in Item 1 (Name) [REDACTED], a name different from that requested.

b. His DA Form 2-1 (Personnel Qualification Record), created upon his enlistment, reflects the contested first name.

c. On 28 June 1982, he was released from active duty with an under honorable conditions (General) characterization of service. His DD Form 214 shows he completed 2 years, 10 months, and 8 days of active service. Item 1 lists the applicant's name as [REDACTED]

d. The available service record contain no supporting evidence the applicant used the requested first name during his military service.

5. By regulation (AR 635-8), 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 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in Block 18 (Remarks).

BOARD DISCUSSION:

After reviewing the application, all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon all available documentation in the military record showing the contested name and the applicant never using the requested name, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's record.

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.

12/27/2024

X

CHAIRPERSON

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), currently in effect, 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 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in Block 18 (Remarks).

//NOTHING FOLLOWS//