

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 October 2024

DOCKET NUMBER: AR20240003865

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his date of birth (DOB) as [REDACTED] instead of [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Delayed Certificate of Birth, [REDACTED]
- 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, in effect, his DOB on his DD Form 214 is wrong, and he is requesting that it be corrected to show the proper date.
3. The applicant provides the following:
 - Copy of his delayed certificate of birth which reflects the requested DOB, [REDACTED]
 - His driver's license dated [REDACTED], which shows his DOB as [REDACTED]
4. A review of the applicant's service records show:
 - a. He was inducted into the Army of the United States on 18 February 1971. His DD Form 47 (Record of Induction) shows in Block 5 (DOB), [REDACTED], the contested DOB.

b. DA Form 2 (Personnel Qualification Record) shows his DOB as 31 XXX 1951, the contested DOB.

c. The applicant was honorably discharged on 22 February 1971, for immediate reenlistment. His DD Form 214 shows in Item 9 (DOB), [REDACTED], the contested DOB.

d. He reenlisted on 23 February 1971. His DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows in Block 21 (DOB), [REDACTED]

e. He reenlisted on 11 January 1974 and 22 April 1977. His DD Form 4 shows in Block 21 (DOB), [REDACTED], the contested DOB.

f. The applicant was honorably discharged on 21 April 1980. His DD Form 214 shows in Item 5 (DOB), [REDACTED] The applicant authenticated this form with his signature.

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.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The available evidence shows the applicant disclosed and used the contested DOB (31st day of the month) during his military service. The Board found no evidence he served under or used the requested DOB (29th day of the month) during his service. 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.

a. A majority of the Board determined that by providing a birth certificate, the applicant provided proof of his correct date of birth.

b. The member in the minority determined that although the applicant provides a delayed birth certificate reflective of his desired date of birth, 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 Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant a DD Form 214 to show a date of birth similar to the date of birth shown on his birth certificate.

10/31/2024

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 635-5 (Separation Documents), in effect at the time, 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 the preparation of the DD Form 214. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The version in effect at the time stated that Item 5 (DOB) was entered using six-digit number; year, month, and day written in that sequence without spaces or slashes.

3. Army Regulation 635-8 (Separation and Processing 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. For Block 5 (DOB), it states verify data accuracy by reviewing original enlistment contract and/or application for appointment.

//NOTHING FOLLOWS//