

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE:

DOCKET NUMBER: AR20240004072

APPLICANT REQUESTS: the WD AGO Form 53-55 (Enlisted Record and Report of Separation) for the period ending 20 November 1945, of the deceased Service Member (SM), his father, be corrected to show:

- Block 1 (Last Name, First Name, MI) – change in first name
- Block 10 (Date of Birth) – change in date of birth (DOB)
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant's Statement dated 24 January 2024
- Birth Certificate
- WD AGO Form 55-53 (Enlisted Record and Report of Separation)
- Certificate of Honorable Discharge dated 20 November 1945
- WD AGO Form 100 (Separation Qualification Record)
- Identification Cards
- Marriage License
- Obituary
- Letter to Vital Records

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 to the SM's WD AGO Form 53-55 for correction to Block 1 and 10 to accurately reflect his information. The applicant has been working with Arlington National Cemetery to have the SM's ashes interred. He reviewed the SM's WD AGO Form 53-55 and noticed his name and date of birth (DOB) were

incorrect. His name is Andrew J. C__ vice Alford J. C__ and his DOB is 8 June XXXX vice 7 June XXXX.

3. The applicant provides:

a. A State of Missouri Birth Certificate shows the SM listed as Andrew J. C__ and his date of birth is listed as 8 June XXXX.

b. A WD AGO Form 55-53 shows SM was inducted into the Army of the United States on 24 December 1942. It shows:

- Block 1 (Last Name, First Name, Middle Initial) C__, Alford J., the SM's first name different from that requested
- Block 10 (Date of Birth) 7 June XXXX, the SM's day of birth different from that requested.

c. A Certificate of Honorable Discharge shows the SM was discharged on 20 November 1945.

d. A WD AGO Form 100 (Separation Qualification Record) shows the SM served as a Ground Aircraft Observer for 32 months. It shows

- Block 1 (Last Name, First Name, Middle Initial) C__, Alford J., the SM's first name different from that requested
- Block 8 (Date of Birth) 7 June XXXX, the SM's day of birth different from that requested.

e. A Standard Certificate of Live Birth shows the applicant is the son of the SM. The name listed as Father of Child states Alford J. C__.

f. Four identification cards:

- Social Security card shows the SM's name as Andrew J. C__
- Veterans Universal Access Identification Card shows Alford J. C__, a name different from that requested. It also shows the social security number matching that of the SM's social security card.
- Illinois Identification Card shows the SM's name as Andrew J. C__. It also shows the social security number matching that of the SM's social security card.
- Firearm Owner's Identification Card shows the SM's name as Andrew J. C__

g. State of Missouri Marriage License shows the SM's name as Andrew J. C__

h. A copy of the SM's Obituary was listed under the name of Andrew J. C__

i. A copy of a letter dated 9 March 1978 to Vital Records requesting the birth certificate. Service Member provided both names Andrew J. C__ and Alford J. C__ and parents name for the request.

4. A review of the service record of the SM shows:

a. The service record of the SM is unavailable for review by the Board. However, WD AGO Form 53-55 is sufficient to conduct a fair and impartial review of this case.

b. The SM was inducted into the Army of the United States on 24 December 1942. His WD AGO Form 53-55 shows he completed 6 years of active service. The narrative reason for separation listed as "Convenience of the Government RR 1-1 Demobilization." It also shows he was awarded or authorized:

- Bronze Star Medal (5)
- Army Good Conduct Medal
- Army Lapel Button
- World War II Victory Medal
- American Campaign Ribbon
- European-African-Middle Eastern Campaign Medal
- Overseas Bar (3)

c. The SM's name and DOB are consistent throughout the available service record, different from that requested by the applicant.

5. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

6. By regulation (WD TM 12-236) served as the authority for the preparation of the WD AGO Form 53. It provides, in pertinent part, that the WD AGO Form 53 will be prepared to reflect information as it exists in the official records at the time of separation.

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. Based upon the contested name and DOB being used by the applicant throughout his military service and the lack of proper justification for the request to change the name and DOB post-service, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

Mr 1	Mr 2	Mr 3
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:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

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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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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. War Department Technical Manual 12-236 (Preparation of Separation Forms) served as the authority for the preparation of the WD AGO Form 53. It provides, in pertinent part, that the WD AGO Form 53 will be prepared to reflect information as it exists in the official records at the time of separation.

//NOTHING FOLLOWS//