

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 November 2024

DOCKET NUMBER: AR20240004276

APPLICANT REQUESTS a correction to his military service files to reflect the following:

- his legal name change as “Jo___ Ji___ Ki___”
- his date of birth (DOB) as “25 XXX XX79”

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Circuit Court for Howard County Order for Change of Name
- U.S. Passport

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States Code (USC), section 1552 (b); however, the Army Board for Correction of Military Records 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, he mistakenly entered his DOB incorrectly. He also legally changed his name from “Ji___ Wo___ Ki___” to “Jo___ Ji___ Ki___.” He needs to provide proof of his military service for his current federal government employment.

3. The applicant provides:

a. Circuit Court for Howard County Order for Change of Name, dated 11 December 2009, ordered and decreed the applicant's name changed to “Jo___ Ji___ Ki___.”

b. U.S. Passport reflects the applicant's name as “Jo___ Ji___ Ki___” and his DOB as “25 XXX XX79.”

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

a. He enlisted in the Army Reserve on 26 January 2001 under the name “Ji___ Wo___ Ki___” and DOB as “29 XXX XX79.”

b. Headquarters, 99th Regional Readiness Command orders 05-202-00027, dated 21 July 2005, reflects the applicant was discharged from the U.S. Army Reserve on 31 July 2005 under the provisions of AR 135-178, with a character of service of General, Under Honorable Conditions.

5. The ABCMR has, in the past, denied similar applications on the basis that the DD Form 214 and/or discharge orders are historical documents that should reflect the record as it existed at the time the DD Form 214 and/or discharge orders were created. The underlying reasoning has been that a post-service name change does not retroactively create an error on the said documents.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. Upon review of the applicant's petition and available military records, the Board determined the applicant used the contested date of birth (DOB) during his entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

2. 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. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. The applicant is advised that a copy of this decisional document, along with his application and the supporting evidence he provided, will be filed in his official military records. This should serve to clarify any questions or confusion regarding the difference in the DOB recorded in his military records and to satisfy his desire to have his legal date of birth documented in his military records.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction be completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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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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.

ADMINISTRATIVE NOTES:

1. Reference the enclosed request for correction of military records from the subject individual to correct the applicant's discharge orders, dated 21 July 2005 to show their current legal name as shown in the court ordered name change.
2. A review of the following records (enclosed) is sufficient to substantiate correction of the applicant's discharge orders without Board action:
 - Clerk of the Circuit Court for Howard County – Order for Change of Name

- Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) memorandum (Administrative Name Changes to DD Form 214 – Certificate of Release or Discharge from Active Duty – Initiative), 3 February 2022

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within three years after discovery of the alleged error or injustice. This provision of law also allows the Army Board for Correction of Military Records (ABCMR) to excuse an applicant's failure to timely file within the three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 135-178 (Army National Guard and Army Reserve Enlisted Administrative Separations), sets policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Paragraph 2-13c states, "after the effective date of discharge, orders may be amended by the separation authority only to correct administrative errors, such as errors concerning grade, social security number, or misspelled name."

//NOTHING FOLLOWS//