

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 November 2024

DOCKET NUMBER: AR20240004349

APPLICANT REQUESTS: correction to his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item1 (Name) his last name as [REDACTED] instead of [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record), 27 December 2023
- Certification of Birth
- Social Security Card
- Passport
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 8 June 1984

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 his last name in the Army was [REDACTED] after he received his birth certificate, he noticed his last name had a "q" in it rather than the "g", he noticed this because he had applied for his passport. Additionally, his date of service is incorrect as he started in December 1975 and served until June 1984, he joined the Army Reserve in 1987.

3. The applicant enlisted in the U.S. Army Reserve on 2 December 1975. Item 1 (Name) of his DD Form 4 (Enlistment or Reenlistment Agreement – Armed Forces of the United States) shows his last name as [REDACTED]

4. He enlisted in the Regular Army on 8 December 1975, for a period of 3 years. On 9 June 1978, he conducted an immediate reenlistment, for an additional 6 years. His DD Form 4 shows in item 1 (Name) his last name as [REDACTED]

5. His official military personnel file does not contain a DD Form 214 for the period of 8 December 1975 through 8 June 1978.
6. The applicant was discharged on 8 June 1984, under the provisions of Army Regulation 635-200 (Personnel Separations - Enlisted Personnel) and transferred to the U.S. Army Reserve Control Group (Reinforcement). His DD Form 214 shows in item 1 (Name) his last name as [REDACTED]. He was credited with 5 years, 11 months, and 29 days of net active service with 2 years, 6 months, and 1 day of total prior active service.
7. The applicant provided copies of:
 - a. his certification of birth, social security card, and passport showing his last name as [REDACTED]
 - b. his original issued social security card showing his last name as [REDACTED]
 - c. and his original certificate of birth showing his last name as [REDACTED]

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 review based on law, policy, and regulation. The evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. The Board majority determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. Based on the service record and a preponderance of the evidence, the Board denied relief. The Board minority determined the evidence the applicant submitted was sufficient for a recommendation for relief.
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.
3. 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 name recorded in his military records and to satisfy his desire to have his name documented in his military records.

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.

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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.

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) 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 preparation of the DD Form 214 (Certificate of Release or Discharge from Active Duty). The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It states the purpose of the separation document is to provide the individual with documentary evidence of his or her military service at the time of release from active duty, retirement, or discharge. It is important that information entered on the form be complete and accurate, reflective of the conditions as they existed at the time of separation. For item 1, enter name in all capital letter. Include "JR," "SR," or "II".

//NOTHING FOLLOWS//