

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 November 2024

DOCKET NUMBER: AR20240004371

APPLICANT REQUESTS: correction of the DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) of her father, a deceased former service member (SM), to show the requested date of birth.

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

- DD Form 149 (Application for Correction of Military Record)
- Certification of birth and Certificate of Marriage Registration
- SM's Certification of Birth
- SM's DD Form 214

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, the daughter of the SM, states the date of birth listed on her father's DD Form 214, is not correct.
3. The majority of the SM's military records are not available for review. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case.
4. Block 6 (Date of Birth) of the SM's DD Form 214, for the period ending 27 September 1957, shows the SM's contested date of birth.
5. The SM's Certification of Birth, issued on 24 July 2020, shows the SM's requested date of birth.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was warranted. The Board carefully considered the SM's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined there is sufficient evidence to grant full relief. Based on this, the Board granted relief to correct the SM's date of birth as that reflected on his birth certificate.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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 SM's date of birth to reflect that annotated on his birth certificate.

4/2/2025

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 (Personnel Separations - Administrative Separation Procedures and Forms), in effect at the time, provided the purpose of the DD Form 214 is to provide the individual with documentary evidence of active military service and to furnish a vital record for interested government agencies which assist the individual in obtaining the rights and benefits which may accrue to him as the result of such service.

a. All available records will be used as a basis for the preparation of DD Form 214a (Worksheet), including DA Form 24 (Service Record), DA Form 20 (Enlisted Qualification Record), DA Form 66 (Officer Qualification Record), and court-martial orders, when appropriate.

b. Block 6 (Date of Birth) of the DD Form 214 is self-explanatory.

3. Army Regulation 635-8 (Personnel Separations - Separation Processing and Documents), currently in effect, provides, for block 5 (Date of Birth), verify data accuracy by reviewing the original enlistment contract and/or application for appointment.

//NOTHING FOLLOWS//