

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]
[REDACTED]

BOARD DATE: 27 November 2024

DOCKET NUMBER: AR20240004626

APPLICANT REQUESTS:

a. correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the period ending 27 February 1970 to show:

- (1) the spelling of his last name as shown on his birth certificate and
- (2) his current social security number (SSN).

b. He also requests a personal appearance hearing before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- State Certificate of Birth, [REDACTED]
- DD Form 47 (Record of Induction), 8 March 1968
- DD Form 214 for the period ending 27 February 1970
- U.S. Army Reserve (USAR) Components Personnel and Administration Center Letter Orders Number 02-1039182, 27 February 1970
- current Social Security Card
- two copies of his State Driver's License
- Numerous Military Documents
- Numerous Personal Documents

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 would like his true name and current social security number shown on his DD Form 214.

a. He lived under another last name most of his life not knowing he wasn't adopted by his step-father. He served under the last name of A_____ and with an SSN of XXX-XX-_____. He honorably served in the Army from 8 March 1968 to 27 February 1970.

b. He grew up thinking he was adopted and have always used his last name as A_____ until 2006 when he was contacted by the Social Security Administration that a person with the same social security number had passed away. They issued him a new SSN of XXX-XX-_____. Therefore, he is requesting his last name and SSN be updated on his DD Form 214.

c. He joined the military under what he thought was his true name since he thought he was adopted. He believed all his personal information was true and correct that he entered on military documents. About 20 years ago he found out his true identify and had to get a new SSN because the original SSN he was issued belonged to someone else.

3. He was inducted into the Army of the United States on 8 March 1968. Item 1 (Last Name – First Name – Middle Name) of his DD Form 47 shows A_____, D_____ F_____.

4. His DD Form 398 (Statement of Personal History), 10 March 1969, shows he recorded the spelling of his last name as A_____ and listed his SSN as XXX-XX-_____.

5. A review of his Official Military Personnel File revealed that all applicable documents show his last name spelled as A_____ and his SSN listed as XXX-XX-_____.

6. Headquarters, U.S. Army Personnel Center, Fort Lewis, WA, Special Orders Number 57, 26 February 1970 relieved him from active duty and transferred him to the U.S. Army Reserve effective 28 February 1970. It shows his last name as A_____.

7. He was honorably relieved from active duty on 27 February 1970 and transferred to the U.S. Army Reserve Control Group (Annual Training). He completed 1 year, 11 months, and 13 days of total active service. His DD Form 214 shows in:

- item 1 (Last Name – First Name – Middle Name) – the spelling of his last name as A_____
- item 3 (SSN) – XXX-XX-_____

8. U.S. Army Reserve Components Personnel and Administration Center Letters Orders Number 02-1039182, 27 February 1974 honorably discharged him from the U.S.

Army Reserve Control Group (Standby) effective 1 March 1974 by reason of expiration of term of service.

9. He provided:

- a. his birth certificate that shows the spelling of his last name as D_____;
- b. his new social security card that shows a totally different SSN as shown on documents in his records;
- c. two copies of his State Driver's License in which one shows his contested last name and another one that shows his requested last name;
- d. numerous military documents that shows his contested last name and where applicable his contested SSN; and
- e. numerous personal documents that shows his contested last name and where applicable his contested SSN.

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 request 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. The applicant used the contested last name and social security number during his entire period of service. Upon review of the applicant's request and available military records, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. The Board recommended the applicant seek assistance through the social security administration office for correction of his social security number, where they can consolidate the two SSN and notify the department of veteran affairs of the correction. Based on this the Board denied 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 legal last name and social security number documented in his military records.
4. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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.

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 15-185 (Army Board for Correction of Military Records) prescribes policies and procedures for correction of military records by the Secretary of the Army acting through the Army Board for Correction of Military Records (ABCMR). Board members will review all applications that are properly before them to determine the existence of an error or injustice and direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists in the record. The ABCMR will decide cases on the evidence of record; it is not an investigative body. 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. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. 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. Army Regulation 635-5 (Separation Documents), 23 January 1967 and 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. 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.

a. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214:

- DA Form 201 (Military Personnel Records Jacket)
- DA Form 2 (Personnel Qualification Record – Part I) and DA Form 2-1
- separation orders
- DD Form 4 or DD Form 47
- DA Form 3716 (Personnel Financial Record)
- enlistment records and DD Forms 214 for prior-service personnel
- any other available records

b. The specific instructions for item 1 stated to enter the last name, first name, and full middle name or names, if any.

c. The specific instructions for item 3 stated to verify the accuracy with the SSN of record.

//NOTHING FOLLOWS//