

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 January 2025

DOCKET NUMBER: AR20240004810

APPLICANT REQUESTS: in effect, correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show a different:

- name
- social security number (SSN); and
- date of birth (DOB)

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

- DD Form 149 (Application for Correction of Military Record)
- Driver's License
- Department of Veterans Affairs (VA) Identification
- Social Security Card

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 provided a copy of his birth certificate; however, the form was not present with his application to the Board. The applicant provided a driver's license which contains a DOB different from what is listed on his DD Form 214.
3. The Board will only consider the applicant's request to correct his name.
  - a. On 27 July 2005, his DD Form 214 was corrected by DD Form 215 (Correction to DD Form 214) by correcting his SSN as he requests, as such, the Board will not consider this portion of his request.

b. His military record contains documents which reflect the DOB as shown on his driver's license. Therefore, the DOB listed on his DD Form 214 will be administratively corrected.

4. The applicant was inducted into the Army of the United States on 10 June 1968. His DD Form 47 (Record of Induction) lists the contested name. The form also contains the DOB as shown on his driver's license and DD Form 398 (Statement of Personal History).

5. On 31 May 1970, he was honorably released from active duty and transferred to the U.S. Army Reserve Control Group (Annual Training). The DD Form 214 he was issued contains the contested name and DOB.

6. The applicant provides a driver's license, VA Identification, and social security card. The social security card lists his name as he requests.

#### BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was 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. Upon review of the applicants petition and available military records, the Board determined there is sufficient evidence to grant full relief, including the applicant's provided driver's license and current legal name. Based on this, the Board granted relief to correct the applicant's first name as that reflected on his driver's license.

2. Prior to closing the discussion, the Board noted and concurred with the administrative note to amend the applicant's date of birth.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 his first name to reflect that annotated on his driver's license.

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.

ADMINISTRATIVE NOTE(S): correct his DD Form 214 for the period ending 31 May 1970, by correcting his DOB as he requests.

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 635-8 (Separation Processing and Documents) prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states the DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. Block 1 (NAME (Last, First, Middle)) states to compare the original enlistment contract or appointment order and review the official record for possible name changes. If a name change has occurred, list other names of record in block 18 (Remarks).
3. 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 considers individual applications that are properly brought before it. 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.

//NOTHING FOLLOWS//