

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 December 2024

DOCKET NUMBER: AR20240004941

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect his first name as G_____ in lieu of B_____

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, covering the period ending 28 August 1992
- birth certificate
- Social Security card
- driver's license

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's complete military service record is not available to the Board for Review. His records were requested from the National Personnel Records Center (NPRC), but they are unavailable; therefore, his case is being considered with the available records provided by the applicant.

3. The applicant states when he enlisted, he put his nickname as his first name and now needs his records corrected to show his given name on his DD Form 214.

4. The only available service record pertaining to the applicant is his DD Form 214, which shows:

a. Item 1 (Name (Last, First, Middle) reflects his name as B_____, B_____ R_____ III, with his first name shown as B_____.

b. He entered active duty in the Regular Army on 11 September 1991.

c. He was given a general discharge under honorable conditions on 28 August 1992.

d. He was credited with 11 months and 18 days of net active service.

e. The applicant signed the form in item 21 (Signature of Member being Separated) with the first name B_____.

5. There are no available service records reflecting his first name as G_____.

6. The applicant provided copies of his birth certificate, Social Security card, and driver's license, all of which reflect his name as G_____ R_____ B_____III.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The available evidence of record shows he served under the contested first name that starts with the letter B. The Board found no evidence he served under or used the requested last name that starts with G, during his service. Additionally, the applicant does not provide a court order in support of a name change. 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 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, unless there is sufficient evidence that shows a material error or injustice.

2. 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 his first name recorded in his military records and to satisfy his desire to have his requested first 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), in effect at the time, prescribes the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active duty service or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214 (Certificate of Release or Discharge from Active Duty). The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for preparation of the DD Form 214 show in item 1 (Name (Last, First, Middle)) enter the last name, first name, and full middle name or names, if any.

//NOTHING FOLLOWS//