

IN THE CASE OF [REDACTED]

BOARD DATE: 13 December 2024

DOCKET NUMBER: AR20240004998

APPLICANT REQUESTS: correction of the service member's (SM), her father, DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in item 6 (Date of Birth) [REDACTED] vice [REDACTED].

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, the period ending 7 November 1956
- DA Form 1270 (Transfer or Release to Reserve Component of the Army) dated 7 November 1956
- VA Form 10-10EZ (Application for Health Benefits)
- Power of Attorney for Health Care dated (6 February 2024)
- Delayed Certificate of Birth, [REDACTED]
- Marriage License, [REDACTED]
- Department of Veterans Affairs (VA), Enrollment and Eligibility, 14 February 2024
- HIPAA Release Form dated 14 February 2024
- VA Form 21-0845 (Authorization to Disclose Personal Information to a Third Party) dated 15 February 2024
- VA Form 10-5345 (Request for and Authorization to Release Health Information) dated 25 February 2024
- VA Evidence Intake dated 15 February 2024

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 she is requesting the SM's date of birth (DOB) be corrected on his DD Form 214 to [REDACTED] vice [REDACTED]. The SM would like to file for disability compensation and related compensation benefits with the VA.
3. The applicant provides:

a. A DA Form 1270 shows the SM was inducted into the Army of the United States on 30 November 1954 and effective 7 November 1956 he was transferred to the U.S. Army Reserve to fulfill the remainder of his 8-year service obligation.

b. The below listed documents to verify identity and confirm she is authorized to act on the SM's behalf:

- Veterans Affairs (VA) Form 10-10EZ (Application for Health Benefits)
- Power of Attorney for Health Care, 6 February 2024
- Delayed Certificate of Birth, DOB listed as [REDACTED]
- Marriage License, [REDACTED]
- HIPAA Release Form dated 14 February 2024
- VA Form 21-0845 dated 15 February 2024
- VA Form 10-5345 dated 25 February 2024

c. A VA memorandum from Enrollment and Eligibility showing a correction was requested on behalf of the SM to correct his DOB from [REDACTED] to [REDACTED]

d. A letter from the VA dated 15 February 2024 shows the SM's request for intent to file was received and VA determined the SM was eligible for benefits.

4. A review of the SM's service record shows:

a. His military records are not available to the Board for review. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case. This case is being considered using his DD Form 214.

b. He was inducted into the Army of the United States on 30 November 1954.

c. He was honorably released from active duty on 7 November 1954. His DD Form 214 shows he completed 1 year, 11 months, and 8 days of active service. It also lists in Block 6, his DOB as [REDACTED]




5. By regulation (AR 635-8), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Block 5 (Date of Birth), states verify data accuracy by reviewing original enlistment contract and/or application for appointment.

BOARD DISCUSSION:

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. Based on this, the Board granted relief to correct the applicant's date of birth as that reflected on his birth certificate.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

			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 date of birth to reflect that annotated on his birth certificate.

3/25/2025

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 635-8 (Separation Processing and Documents), currently in effect, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Block 5 (Date of Birth), states verify data accuracy by reviewing original enlistment contract and/or application for appointment.

//NOTHING FOLLOWS//