

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 December 2024

DOCKET NUMBER: AR20240005123

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect his correct date of birth (DOB) of [REDACTED] January XXX4 vice [REDACTED] July XXX5 (contested).

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Live Birth, dated 5 February 1945
- DD Form 214, dated 1 October 1969

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 is requesting a change of his legal birth date. He contends his record contains the incorrect date of record.
3. The applicant provides a copy of his Certificate of Live Birth with the DOB listed as [REDACTED] January XXXX.
4. A review of his official records shows:
  - a. He was inducted into the Army of the United States on 2 October 1967. His DD Form 47 (Record of Induction) shows on Block 5 (Date of Birth) [REDACTED] July XXXX, a date different from that requested.
  - b. His DA Form 20 (Enlisted Qualification Record) dated 19 September 1968 shows on Block 5 (Date of Birth) [REDACTED] July XXXX, as listed on his DD Form 47.
  - c. He was honorably released from active duty on 1 October 1969. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he

completed 2 years of active service. It also shows in Block 9 (Date of Birth) ■ July XXXX.

d. The applicant's available service record consistently lists his DOB as ■ July XXXX, as listed on his DD Form 47 and a date different from that requested.

5. The applicant provides a contemporaneous birth certificate, reflective of the requested DOB, ■ ■ 19XX.

5. By regulation, 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. For the date of birth, from the source documents, DA Form 2-1 (Personnel Qualification Record) and/or the DD Form 4 (Enlistment/ Reenlistment Document), enter the date using six-digit number in this item; year, month, and day written in that sequence without spaces or slashes, e.g., ■ ■ ■ ■ ■ ■ for ■ Jan ■.

#### BOARD DISCUSSION:

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 shows the applicant disclosed and used the contested DOB (■ July 19XX) during his military service. The Board found no evidence he served under or used the requested DOB (■ June 19XX) during his service. 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.

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) 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. For the date of

birth, from the source documents, DA Form 2-1 (Personnel Qualification Record) and/or the DD Form 4 (Enlistment/ Reenlistment Document), enter the date using six-digit number in this item; year, month, and day written in that sequence without spaces or slashes, e.g., 420106 for 6 Jan 42.

//NOTHING FOLLOWS//