

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2025

DOCKET NUMBER: AR20240005791

APPLICANT ON BEHALF OF THE SERVICE MEMBER REQUESTS: correction to the service member's (SM) DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), ending 6 August 1964 to reflect his last name to read "Herskovits" vice "Hershovets."

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, ending 6 August 1964
- Identification Cards
- Birth Certificate
- Power of Attorney

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 is the spouse of the service member. She states, the spelling on the last name of the SM is incorrect. It needs to be corrected so that the SM can process checks from the Department of Veterans Affairs (VA).
3. The applicant provides the following:
 - a. Below listed documents as evidence with each showing the SM's legal name as Herskovits, B- W-:
 - Identification Cards – Medicare, VA Healthcare, Driver's License
 - Birth Certificate
 - b. A Power of Attorney authorizing the applicant to act on the SM's behalf.

4. A review of the applicant's available service record reflects the following:

a. On 7 August 1962, he was inducted into the Army of the United States. His last name listed as Hershovets, the contested last name, in Block 1 (Last Name – First Name – Middle Name).

b. DA Form 20 (Enlisted Qualification Record) shows in Block 1 (Name (Last, First, Middle)) his last name as Hershovets, the contested last name.

c. The SM's contested last name, Hershovets, remains consistent throughout his full service record.

d. On 6 August 1962, he was honorably discharged from active duty. His DD Form 214 shows he completed 2 years of active service. It also shows in Block 1 (Name (Last, First, Middle)) Hershovets, the contested last name.

4. By regulation (AR 635-5), 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. Source documents include the DA Form 20 (Enlisted Qualification Record), DD Form 47 (Record of Induction), DD Form 4 (Enlistment Record – Armed Forces of the United States), as well as orders. The name to be shown on the DD Form 214 is taken from these source documents.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the requested last name being so close in nature to the contested name and the provided identification from the applicant, the Board concluded by a preponderance of the evidence there was an error or injustice present warranting a change to the FSM's last name reflected on his DD Form 214.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XXX	:XXX	:XXX	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 Army records of the individual concerned be corrected by amending the applicant's DD Form 214 by amending the applicant's last name so that it reflects the name on the FSM's provided birth certificate.

//SIGNED//
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 635-5 (Personnel Separations), in effect at the time, 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. Source

documents include the DA Form 20 (Enlisted Qualification Record), DD Form 47 (Record of Induction), DD Form 4 (Enlistment Record – Armed Forces of the United States), as well as orders. The name to be shown on the DD Form 214 is taken from these source documents.

//NOTHING FOLLOWS//