

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 December 2024

DOCKET NUMBER: AR20240005977

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) to show in item 1 (Last Name, First Name, Middle Name): a different last name, Du__ vice Gr__.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 17 July 1979
- Commercial Driver License, Georgia

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 entered the military under his stepfather's last name. He was never legally adopted and would like his name corrected. His other legal records list his name as D__ Du__. He had planned to have his name changed, but never followed through.
3. The applicant provides his Georgia Commercial Driver's License which lists his name as D__ Du__, the name requested.
4. A review of the applicant's service record shows:
 - a. On 23 June 1978, the applicant enlisted into the Regular Army. His DD Form 4 (Enlistment or Reenlistment Agreement – Armed Forces of the United States) shows his name as D__ Gr__ (the contested name) He authenticated the form with his signature.
 - b. The applicant's service record includes the listed documents which also list his name as D__ Gr__, the contested last name.

- DA Form 2 (Personnel Qualification Record – Part I)
- DA Form 2-1 (873 (Personnel Qualification Record – Part II)

c. On 17 July 1979, he was honorably discharged from active duty. His DD Form 214 shows he completed 1 year and 25 days of active service. Block 1 lists the applicant's name as Gr___, D___ (NMN), the contested last name.

d. The applicant's last name is consistently listed as Gr___ throughout his service record.

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 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in Block 18 (Remarks).

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 of record shows he served under the contested last name that starts with the letter G. The Board found no evidence he served under or used the requested last name that starts with D, 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.

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, United States 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 1 (Name) states compare original enlistment contract or

appointment order and review official record for possible name changes. If a name change has occurred list other names of record in Block 18 (Remarks).

//NOTHING FOLLOWS//