

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 February 2025

DOCKET NUMBER: AR20240006073

APPLICANT REQUESTS: correction of his last name on his DD Form 214 (Report of Separation from Active Duty) for the period ending 12 September 1975.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Live Birth
- California Identification (ID) Card
- U.S. Department of Veterans Affairs VA ID Card
- Social Security Number (SSN) Card
- SSN Verification
- DD Form 214 (Report of Separation from Active Duty), dated 12 September 1975

FACTS:

1. The applicant did not file within the three-year time frame provided in Title 10, United States 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, there is an administrative error in the name he used during his military service. He used his stepfather's last name instead of his legal last name. He began to use his legal birth name a few years after he departed military service. The name change has created barriers when attempting to secure benefits from the VA. The last name became a significant issue when he became elderly and homeless. It would be greatly beneficial to have his last name corrected for accuracy of his service record.

3. The applicant provides:

a. The below listed documents which list his name as M\_\_ J. P\_\_

- Certificate of Live Birth
- California ID Card
- VA ID Card

- SSN Card

b. The SSN verification provided on 21 March 2024, lists the applicant under the following:

- August 1966 – name changed from M\_\_ J. E\_\_ to M\_\_ J. P\_\_
- March 1968 – name changed from M\_\_ J. S\_\_ to M\_\_ J. E\_\_
- June 2018 – name changed from M\_\_ J. P\_\_ to M\_\_ J. S\_\_

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

a. The applicant's 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 reconstructed records, which primarily consist of his DD Form 214.

b. He enlisted in the Regular Army on 13 September 1972.

c. He was honorably released from active duty on 12 September 1975. His DD Form 214 shows he completed 3 years of active service with no lost time. Block 1 (Last Name – First Name – Middle Name) shows S\_\_, M\_\_ J.

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 the "Remarks" block.

**BOARD DISCUSSION:**

1. After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the applicant's own statement reflecting that he used the contested name during his entire period of military service and the regulatory guidance stating the DD Form 214 is required to reflect the information used at the time of separation, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's record.

2. The Board wished to inform the applicant that if he changed his name post-service, he should submit a court order reflecting such a change and then submit a request for reconsideration.

**BOARD VOTE:**

Mbr 1    Mbr 2    Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	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.

//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 635-8 (Separation Processing and 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. 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 the "Remarks" block.

//NOTHING FOLLOWS//