

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 February 2025

DOCKET NUMBER: AR20240006219

APPLICANT REQUESTS:

- correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show in item 1 (Last Name, First Name, Middle Name) his last name as [REDACTED] vice [REDACTED]
- correction of his NGB Form 55 (Honorable Discharge Certificate) to show his last name as [REDACTED] vice [REDACTED] and his social security number as [REDACTED] vice [REDACTED]
- correction of his NGB Form 22 (Report of Separation and Record of Service) to show in item 1 (Last, First, Middle Initial) his last name as [REDACTED] vice [REDACTED]
- correction of his DD Form 4 (Enlistment Contract) to show in item 1 (Last Name, First Name, Middle Name) his last name as [REDACTED] vice [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4 (Enlistment Contract)
- Special Orders Number 138, 17 July 1969
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- NGB Form 55 (Honorable Discharge Certificate)
- NGB Form 22 (Report of Separation and Record of Service)
- NGB Form 23 (Retirement Credits Record)
- Special Orders Number 181, 19 September 1975
- DA Form 20 (Enlisted Qualification Record)
- Social Security Card
- Birth Certificate

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 in his DD Form 214 NGB Form 55, NGB Form 22 and DD Form 4 to reflect his last name as [REDACTED]. He is also requesting a change in his NGB Form 55 to reflect his social security number as [REDACTED]. He is trying to get his veteran status, but his last name is incorrect on his DD Form 214. His NGB Form 22 has the correct SSN, but his name is incorrect. His discharge orders have an incorrect SSN and last name. he found out that the time required to be considered a Veteran has changed from 180 days to 90 days of active service. He requested his service records and when he received them, that is when he found out his information was incorrect.

3. His application to the ABCMR is premature, as there is no evidence that he first applied to the Army Human Resources Command (AHRC) for their action. Army Regulation 15-185 (ABCMR), the regulation under which this Board operates, stipulates that the Board will not consider an application until the applicant has exhausted all available administrative remedies to correct the alleged error or injustice with the TX, Army National Guard. The applicant may submit a request to the State Adjutant or the National Guard Bureau, in letter format, to the below address and his request should include a copy of all documentation completed by or related to his service in the TX, Army National Guard; and any other documentation supporting his request.

The National Guard Bureau
Appeals and Analysis (ARNG-HRH-A)
111 South George Mason Drive, Building 2
Arlington VA 22204-1382

4. This portion of his application is returned by the ABCMR without prejudice or action by the Board. The Board will consider correction of his DD Form 214, and his DD Form 4 to show his last name as [REDACTED] vice [REDACTED].

5. The applicant provides:

a. His SSN Card, Special Orders Number 138, NGB Form 22, NGB Form 23 which show the requested SSN, [REDACTED].

b. His NGB Form 55, and Special Orders Number 181 which show the contested SSN, [REDACTED].

c. His birth certificate and his SSN card list the requested last name, [REDACTED].

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

a. He enlisted in the TX, Army National Guard on 10 June 1969. His DD Form 4 (Enlistment Contract) shows in Block 5 (Last Name – First Name – Middle Name) his last name as the contested last name.

b. On 28 August 1969, the applicant was ordered to active duty for training (ACDUTRA).

c. The below documents list the applicant's contested last name:

- Special Orders Number 138, 17 July 1969
- NGB Form 55
- NGB Form 22
- NGB Form 23
- Special Orders Number 181, 19 September 1975
- DA Form 20 (Enlisted Qualification Record)

d. The applicant's contested last name is listed consistently throughout the service record.

e. On 30 January 1970, he was honorably discharged from ACDUTRA. His DD Form 214 does not show his net service this period. Item 1 lists the applicant's contested last name.

8. 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:

1. After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. Based upon the close nature in the names (contested vs. requested) and the provided SSN card showing the SSN matches, the Board concluded there was sufficient evidence to change the last name reflected on the applicant’s DD Form 214.

2. The Board also determined that the other documents to be changed were not appropriate at this time for the following reasons:

- a. The NGB documents should be addressed by applying to the National Guard, as reflected above.
- b. The enlistment contract is an internal document which is used only during the applicant’s military service. Since the applicant is no longer serving in the military, the Board concluded there was insufficient evidence of an injustice warranting a change.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:XXX	:XXX	:XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by changing the name reflected on the applicant's DD Form 214 to reflect the last name reflected on the provided SSN card.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to changing of the other requested documents.

//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), 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//