

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 February 2025

DOCKET NUMBER: AR20240006590

APPLICANT REQUESTS: correction of his Date of Birth (DOB) from 7 September [REDACTED] to 26 July [REDACTED] in his service record.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- Washington State (WA) Department of Health Vital Statistics Certificate of Birth
- Eastern Shoshone Tribe Tribal Certification
- Selective Service System State of WA letter
- Selective Service System Notice of Right to Personal Appearance and Appeal
- DD Form 47 (Record of Induction)
- DA Form 20 (Enlisted Qualification Record)
- Headquarters (HQs), 1st Cavalry Division (Airmobile) General Orders Number 3185
- Bronze Star Medal citation
- HQs, 1st Cavalry Division (Airmobile) General Orders Number 9849
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- HQs, 1st Cavalry Division (Air Mobile) General Orders Number 14883
- DA Form 4980-5 (Bronze Star Medal Certificate)
- U.S. Total Army Personnel Command Permanent Orders Number 160-5
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Record of Proceeding (ROP) Army Board for Correction of Military Records (ABCMR) Docket Number AR20200002286
- ROP ABCMR Docket Number AR20090000293
- ROP ABCMR Docket Number AR20090000206
- ROP ABCMR Docket Number AR20090000144
- ROP ABCMR Docket Number AR20090000026

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 this error needs to be corrected as a matter of justice and for his access to medical benefits. He believes the DOB assigned by the Selective Service System on 7 September [REDACTED] was an administrative error. His correct date of birth is 26 July [REDACTED].
3. A review of the applicant's service record shows:
  - a. On 24 October 1967, the applicant was inducted into the Army of the United States. DD Form 47 shows in item 4 (Selective Service Number): [REDACTED] and item 5 (DOB): 7 September [REDACTED].
  - b. DA Form 2-1 (Personnel Qualification Record) shows in item 2 (Social Security Number (SNN): [REDACTED] and item 27 (Remarks): DOB 7 September [REDACTED].
  - c. On 9 September 1969, the applicant was honorably released from active duty and assigned to the U.S. Army Reserve (USAR) Control Group (Annual Training). DD Form 214 shows in item 3 (SSN): [REDACTED] and item 9 (DOB): 7 September [REDACTED].
  - d. On 23 November 1969, General Orders Number 14883, issued by HQs, 1st Cavalry Division (Air Mobile), the applicant was awarded the Soldier's Medal for actions on 28 April 1969. It also shows his SSN was listed as [REDACTED].
  - e. On 14 May 1978, the applicant was awarded a degree in Juris Doctor. The Seattle University, Seattle, WA transcripts shows the applicant's DOB as 7 September [REDACTED].
  - f. National Guard Bureau (NGB) Form 62 (Application for Federal Recognition as an Army National Guard (ARNG) Officer or Warrant Officer and Appointment as a Reserve Commissioned Officer or Warrant Officer of the Army in the ARNG of the United States) shows the applicant's SSN as [REDACTED] and his DOB as 7 September [REDACTED].
  - g. DA Form 873 (Certificate of Clearance and/or Security Determination) shows his final clearance was granted on 1 July 1983. It also shows his SSN as [REDACTED] and DOB as 7 September [REDACTED].

h. On 19 August 1983, Special Orders Number 162, issued by the NGB, the applicant was appointed in the NMARNG, effective 9 April 1983. It also shows his SSN as [REDACTED].

i. On 7 September 1983, Special Orders Number 174, issued by the NGB, amended Special Orders Number 162 issued by the same command amending the applicant's SSN from [REDACTED] to [REDACTED].

j. On 5 November 1983, the applicant executed his oath of office and was appointed as a Reserve commissioned officer.

k. On 9 June 1995, Permanent Orders Number 160-5, issued by the U.S. Total Army Personnel Command, the applicant was awarded the Bronze Star Medal with "V" Device for heroism on 10 July 1969. It also shows his SSN as [REDACTED].

l. On 5 February 1996, Orders Number 036-003, issued by the State of NM Department of Military Affairs, the applicant was ordered to full time National Guard duty in an Active Guard/Reserve status, effective 5 February 1996. It also shows his SSN as [REDACTED].

m. On 30 June 2008, Special Orders Number 163, issued by the NGB, the applicant was retained in an active duty status until 30 September 2009. It also shows his SSN as [REDACTED].

n. On 15 October 2009, Special Orders Number 251, issued by the NGB, the applicant was retained in an active duty status until 30 September 2010. It also shows his SSN as [REDACTED].

o. On 25 May 2010, Orders Number 145-014, issued by the State of NM Department of Military Affairs, the applicant was honorably separated from the ARNG, effective 30 September 2010, and assigned to the USAR Control Group (Retired Reserve).

p. DD Form 2656 (Data for Payment of Retired Pay) shows the applicant's SSN as [REDACTED] and his DOB as 7 September [REDACTED]. The applicant signed the document on 8 September 2010.

q. On 30 September 2010, the applicant was honorably retired from the ARNG and assigned to the USAR Control Group (Retired Reserve). NGB Form 22 (Report of Separation and Record of Service) shows the applicant completed 27-years, 5-months, and 22-days of active service. It also shows in item 3 (SSN): [REDACTED] and item 7 (DOB): 7 September [REDACTED].

r. DD Form 214 for service ending 30 September 2010 shows the applicant completed 14-years, 7-months, and 26-days of active service. It also shows in item 3 (SSN): [REDACTED] and item 5 (DOB): 7 September [REDACTED].

s. On 29 October 2010, Orders Number P10-929155, issued by the U.S. Army Human Resources Command, the applicant was placed on the retired list, effective 30 September 2010.

t. City of Seattle, WA Department of Public Health, Office of the Director of Public Health and Registrar of Vital Statistics Certified Copy of Birth Certificate shows the applicant's DOB is 7 September [REDACTED]. Item 23 stated "I hereby certify that I attended the birth of this child who was born alive on the date listed and that the information was furnished by" the father which was received on 21 August [REDACTED]. This document was located in the applicant's Army Military Human Resource Record (AMHRR).

u. Soldier Management Services - WEB Portal (SMS WEB) screenshot shows the applicant's DOB as 7 September [REDACTED]

4. The applicant provides:

a. State of WA Department of Social and Health Services Division of Health Certified Copy of Birth Certificate shows the applicant's DOB as 26 July [REDACTED]. Item 23 stated "I hereby certify that I attended the birth of this child who was born alive on 26 July [REDACTED] and that the information was furnished by" the father which was received on 21 August [REDACTED].

b. Eastern Shoshone Tribe Tribal Certification certified that official records in the Vital Statistics Office of the Eastern Shoshone Tribe shows the applicant to be an enrolled member of the Eastern Shoshone Tribe and it shows his DOB was 26 July [REDACTED].

c. Selective Service System letter dated 11 October 1966 shows the applicant's Selective Service Number. They requested he verify the information listed on the card was accurate. If any information was incorrect, he was to return it at once.

d. DA Form 20 shows in item 6 (DOB): 7 September [REDACTED]

e. The applicant provided five ROPs for the ABCMR where other applicants requested the correction of their DOB on their DD Form 214 for consideration by the Board.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. One potential outcome considered by the Board was to grant relief based on the applicant's tribal enrollment documentation and alternate certificate of live birth indicating a date of birth (DOB) of 26 July [REDACTED]. However, upon comprehensive review of the applicant's petition and the official military record, the Board majority determined that the applicant's DOB is consistently recorded as 7 September [REDACTED] across numerous authoritative documents. These include his DD Forms 214, DA Forms 2-1 and 20, DD Form 47, NGB Forms 22 and 62, DA Form 873, and DD Form 2656—spanning his entire military career from induction in [REDACTED] through retirement in 2010.
2. The Board noted, in accordance with regulatory guidance the separation processing requires the presence of verified source documents in the Soldier's record. If approval documentation is not present, coordination must occur with the appropriate authority. In this case, the source documents used to generate the applicant's DD Form 214 and other personnel records clearly and consistently support the DOB of 7 September [REDACTED]. While the Board acknowledged the applicant's long-standing concerns regarding discrepancies in his DOB and SSN, and his efforts to correct them, the alternate birth certificate and tribal certification submitted decades after the fact do not outweigh the extensive and uninterrupted documentation maintained throughout his service. Based on this, the Board denied relief.
3. 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. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. The applicant is advised that a copy of this decisional document, along with his application and the supporting evidence he provided, will be filed in his official military records. This should serve to clarify any questions or confusion regarding the difference in the DOB recorded in his military records and to satisfy his desire to have his legal date of birth documented in his military records.
4. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, the Board found 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.

X //SIGNED//



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.

ADMINISTRATIVE NOTE(S):

1. Reference the enclosed request for correction of military records from the subject individual to correct his DD Form 214 (Certificate of Release or Discharge from Active duty) for the period of service 5 February 1996 through 30 September 2010, by:

a. Delete: Item 13 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized: Vietnam Service Medal

b. Add: Item 13: Vietnam Service Medal with four bronze service stars and Meritorious Service Medal (5th Award)

2. A review of the records listed below (enclosed) is sufficient to substantiate correction of the DD Form 214 without action by the Board.

- DD Form 214 period of service 5 February 1996 through 30 September 2010
- DA Form 20 (Enlisted Qualification Record)
- DA Form 4980-12 (Meritorious Service Medal Certificate) Permanent Orders Number 092-001, 1 April 1996, HQs, State Area Command, 1 January 1988 through 1 December 1995
- DA Pam 672-3

3. Please correct the applicant's DD Form 214 by deleting/adding the items shown in paragraph 1 above. Provide the applicant a copy of the corrections. Please ensure that the corrections are recorded in the applicant's official military personnel record.

#### REFERENCES:

1. Title 10, USC, 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 (AR) 635-8 (Personnel Separations – Separation Processing and Documents), provides principles of support, standards of service, policies, tasks, rules, and steps governing required actions in the field to support processing personnel for separation and preparation of separation documents.

a. Paragraph 5-4 (Source documents), when separation is ordered, the separation approval documents must be present for transition processing to occur. Source documents, as listed in subparagraph b below, must be present in a Soldier's record in order to complete the DD Form 214. If approval documentation is not present in a Soldier's record, action will be coordinated with the necessary activity (personnel service division, Assistant Chief of Staff for Personnel, adjutant general, or chain of command) for proper source documents. Use the following documents when preparing a DD Form 214:

- Servicemember's record brief (computer generated)
- Separation approval documents, if applicable
- Separation order
- Any other document authorized for filing in the AMHRR

b. Paragraph 5–6 (Rules for completing the DD Form 214), this paragraph provides detailed instructions for data required in each block of the DD Form 214. e. Block 5: Date of Birth, verify data accuracy by reviewing original enlistment contract and/or application for appointment.

3. AR 600-8-104 (Army Military Human Resource Record (AMHRR)), prescribes Army policy and procedure for the creation, utilization, administration, maintenance, and disposition of the Army Military Human Resource Record (AMHRR).

a. Paragraph 3-8 (Review of the personnel record within the AMHRR, A Soldier's personnel record includes documents that support entries on the appropriate record brief and all key supporting documents for pay entitlements. b. Soldiers and records managers are required to conduct a review of their personnel record using the record review tool in iPERMS during in-processing to a new duty station, annually thereafter, and prior to separation from the Army. (2) The personnel record review consists of ensuring that data on the record brief is correct and supporting documents required for filing in the AMHRR have been uploaded to iPERMS before updating entries on the record brief. Additionally, all pay entitlements listed on the leave and earnings statement must be reviewed to ensure key supporting documents that substantiate pay are identified and present in iPERMS.

b. Paragraph 4-1 (Additional folders in the Interactive Personnel Electronic Records Management System), additional folders within the AMHRR are contained in iPERMS to assist the Army in preserving valid information on a Soldier for a specific period of time. Table 4-1 (AMHRR (non-official military personnel file) folders, the primary folder, personnel records review with the secondary folder for personal data contains citizenship, proof of birth and dependent documents. The secondary folder for service data contains service contracts, security checks and language qualification information.

4. AR 621-201 (Personnel Procurement) in effect at the time, established the qualifications for enlistment of men and women in the Regular Army and prescribe procedures by which applicants are processed and enlisted, reenlisted, or rejected at recruiting stations and recruiting main stations. These procedures are designed to simplify and standardize the processing of personnel to determine eligibility for enlistment. Paragraph 16 (Verification of age), the recruiting officer will verify the age of every man applying for enlistment from civilian life who states he is under 21 years of age, or who claims a greater age but whose personal appearance indicates he may be under 21. The recruiting officer will require the applicant to present a birth certificate or a statement from the State Registrar of Vital Statistics, or other similar State official (DD Form 372, Application for Verification of Birth for Official U.S. Armed Forces use only). When the age of an applicant cannot be verified by a birth certificate and the State Registrar of Vital Statistics or other similar State, municipal, or Government official states that there is "no record" of the birth of the individual, the recruiting officer will

obtain one of the following types of substantiating data regarding age in the following sequence:

- Baptismal record or certified copy
- Sworn statement. of one or both parents or legal guardian
- supported by:
  - Notarized copy of the school record from the first school attended; showing date of birth or age at attendance, or
  - Certificate from the physician in attendance at birth; (All documents submitted by applicants should be originals; id copies submitted will be notarized)

//NOTHING FOLLOWS//