

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 12 March 2025

DOCKET NUMBER: AR20240006669

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): as [REDACTED] vice [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, period ending 18 January 1961
- Birth Certificate, Mexico
- Marriage Certificate
- Social Security Card

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 would like his military record to reflect his correct birth name. During his military career his name was incorrectly listed as [REDACTED] His middle name and last name were inadvertently switched.
3. The applicant provides the below listed documents as evidence of his requested name:

- birth certificate: First Name – [REDACTED] First Last Name – [REDACTED] Second Last Name – [REDACTED]
- marriage certificate: [REDACTED]
- social security card: [REDACTED]

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

a. On 19 January 1959, the applicant was inducted into the Army of the United States. His DD Form 47 (Record of Induction) shows his name as [REDACTED] (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 [REDACTED] the contested name.

- DA Form 20 (Enlisted Qualification Record)
- Special Order Number 10 dated 16 January 1961

c. On 18 January 1961, he was honorably released from active duty. His DD Form 214 shows he completed 2 years of active service. Block 1 lists the applicant's (Last Name, First Name, Middle Name) as [REDACTED] the contested name.

d. The applicant's (Last Name, First Name, Middle Name) is consistently listed as [REDACTED] 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:

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. The Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested name during his entire period of service. The Board noted that throughout his period of military service, including his DD Form 47 (Record of Induction), DA Form 20 (Enlisted Qualification Record), Special Orders, and his DD Form 214, the applicant's name was consistently recorded as [REDACTED]. Importantly, the applicant authenticated his induction record with his signature, thereby affirming the contested name at the time

of entry into service. Although the applicant seeks to have his birth name reflected, the evidence does not demonstrate that an error occurred in the preparation of his DD Form 214. Therefore, the Board denied relief.

2. 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.

3. 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 name recorded in his military records and to satisfy his desire to have his legal name documented in his military records.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

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.

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//