

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2025

DOCKET NUMBER: AR20240006712

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 4 October 1979 to reflect his first name to read [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate
- Certificate of Baptism
- DD Form 214, ending

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, his church baptism certificate had the wrong first name on it and that name was listed in his service record. His correct name is Johnny not Juan, and he is unable to create an account with the Department of Veterans Affairs for services since his information does not match.
3. The applicant provides:
 - Birth Certificate – list name as [REDACTED]
 - Certificate of Baptism – list his name as [REDACTED]
4. A review of the applicant's available service record reflects the following:
 - a. On 15 September 1976, he enlisted in the Regular Army under the name [REDACTED]

b. His DA Form 2-1 (Personnel Qualification Record – Part II) shows in Block 1 (Name) [REDACTED]

c. On 10 October 1979 he was honorably released from active duty. His DD Form 214 shows he completed 3 years of active service. His DD Form 214, lists in Block 1 (Name (last, first, middle)) [REDACTED]

5. By regulation (AR 635-5), 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. Source documents include the DA Form 20 (Enlisted Qualification Record), DD Form 47 (Record of Induction), DD Form 4 (Enlistment Record – Armed Forces of the United States), as well as orders. The name to be shown on the DD Form 214 is taken from these source documents.

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. Upon review of the applicant's petition and available military records, the Board found that the evidence provided does not substantiate a probable error or injustice. The applicant consistently used the contested first name throughout the entirety of their military service. The Board noted the applicant's service record confirms that the applicant enlisted in the Regular Army on 15 September 1976 under the name [REDACTED] as documented on his DA Form 2-1 and reflected on his DD Form 214.

2. Furthermore, the Board determined the applicant's name entered on the DD Form 214 is derived from source documents such as the enlistment contract and personnel qualification records. In this case, all official military records consistently show the name [REDACTED] and there is no evidence that a legal name change occurred during the period of service. While the applicant has provided a birth certificate listing his name as [REDACTED] this document does not override the name under which he enlisted, served, and was discharged. The Board recognized the applicant's difficulty in accessing VA services and recommends that he work directly with the VA to reconcile his identity records using supporting documentation, including his birth certificate and DD Form 214. Given these facts, the Board determined that the overall merits of the case were insufficient to justify a correction to the official records. As such, 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.

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

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 635-5 (Personnel Separations), in effect at the time, 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. Source documents include the DA Form 20 (Enlisted Qualification Record), DD Form 47 (Record of Induction), DD Form 4 (Enlistment Record – Armed Forces of the United States), as well as orders. The name to be shown on the DD Form 214 is taken from these source documents.

//NOTHING FOLLOWS//