

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

L. BOARD DATE: 30 January 2025

DOCKET NUMBER: AR20240006886

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show his date of birth (DOB) as September 1951 vice September 1950.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement
- Copy of passport and driver's license
- Certificate of Baptism
- DD Form 398 (Statement of Personal History)
- DA Form 428 (Application for Identification Card)
- Two DA Forms 41 (Record of Emergency Data)
- Saint Michael's Home transcript of record

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 that in July 1968, his cousin was drafted into the Army. He elected to volunteer to serve for them to serve together. However, he was only 16 years old at the time and would not be 17 years old for another three months. He changed his information to show his year of birth on his Baptism certificate from 1951 to 1950 and submitted the document for proof of DOB. He understands he did something wrong but just wanted to serve with his cousin and fight for his country. He will be 73 years old and would like to resolve the issue with his DOB before passing away. He asks the Board to consider his request and supporting documents and grant him relief.
3. The applicant provides a copy of his passport, driver's license, certificate of baptism, various documents from his military record, and a transcript of the record from [REDACTED] [REDACTED] Home, where he lived from 17 February 1959 until it closed on 8 September

1963, as proof of identify and verification of DOB. The remaining document provided will be referenced in the service record.

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

a. The applicant's enlistment documents show his DOB was verified on the below forms which indicated his birth certificate was used:

- DD Form 372 (Application for Verification of Birth), dated 2 July 1968
- DD Form 373 (Consent, Declaration of Parent or Legal Guardian), dated 5 July 1968

b. He enlisted in the Regular Army on 8 July 1968. His DD Form 4 (Enlistment Contract - Armed Forces of the United States) shows his DOB as September 1950.

c. His DA Form 20 (Enlisted Qualification Record) shows his DOB as September 1950.

d. Several documents in the applicant's available service records his DOB as September 1951:

- DA Form 428
- Two DD Forms 398
- SF 89 (Report of Medical History)

e. On 26 October 1970, the applicant was honorably discharged. His DD Form 214 shows he completed 2 years and 2 days of active service with 109 days of lost time. Block 9 (DOB) lists his DOB as September 1950.

5. On 31 May 2018, the applicant was notified by U.S. Army Human Resources Command his request for a change in DOB could not be corrected. For historical purposes, the Army has an interest in maintaining the accuracy of its records. The information contained therein should reflect the conditions and circumstances that existed at the time the records were created and under which the military service was performed.

6. 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. For the date of birth, verify data accuracy by reviewing original enlistment contract and/or application for appointment.

BOARD DISCUSSION:

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. One potential outcome discuss was to grant relief based upon the applicant's statement and the provided documents reflecting the requested date of birth. However, based upon the applicant admitting within his statement he knowingly used a wrong date of birth to enter the service, and the contested date of birth is consistent throughout all military records, the Board concluded there is insufficient evidence of an error or injustice warranting a change to the applicant's date of birth.

BOARD VOTE:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> | |
|--------------|--------------|--------------|----------------------|
| : | : | :XXX | GRANT FULL RELIEF |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| :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 (Separation 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. For the date of birth, verify data accuracy by reviewing original enlistment contract and/or application for appointment.

//NOTHING FOLLOWS//