

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 January 2025

DOCKET NUMBER: AR20240006887

APPLICANT REQUESTS: correction of his date of birth (DOB) on his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) for the service period ending 7 May 1970.

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

- DD Form 149 (Application for Correction of Military Record)
- [REDACTED] - Certification of Vital Record
- Social Security Card
- [REDACTED] Commercial Driver's License
- Department of Veterans Affairs (VA) Identification Card
- [REDACTED] Concealed Weapons of Firearm License
- DD Form 214

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 wishes to have the DOB corrected on his DD Form 214 to reflect [REDACTED], not [REDACTED], as currently stated. He would like a DD Form 215 (Correction to DD Form 214) issued with the correction. He used his birth certificate to go out of country and realized his DOB did not match.

3. The applicant provides:

a. His Certification of Vital Record from the [REDACTED] that shows the applicant's DOB as [REDACTED].

b. The below listed documents as verification of identity:

- Social security card

- [REDACTED] Commercial Driver's License
- VA Identification Card
- [REDACTED] Concealed Weapons of Firearm License

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

a. He was inducted into the Army of the United States on 8 May 1968. His DD Form 47 (Record of Induction) shows on Block 5 (Date of Birth) [REDACTED], a date different from that requested.

b. His DA Form 20 (Enlisted Qualification Record) shows in Block 4 (Date of Birth) [REDACTED], the date identified on his DD Form 47 and different from that requested.

c. He was honorably released from active duty on 7 May 1970. His DD Form 214 shows he completed 2 years of active service. Block 9 (Date of Birth) reflects his DOB as [REDACTED].

5. A review of the applicant's record confirms he is eligible for awards and campaign credits that are not recorded on his DD Form 214. The entries will be added to his DD Form 214 as administrative corrections and will not be considered by the Board.

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. All available records will be used as a basis for the preparation of DD Form 214a (Worksheet), including DA Form 24 (Service Record), DA Form 20 (Enlisted Qualification Record), DA Form 66 (Officer Qualification Record), and court-martial orders, when appropriate. Item 16 (Date of Birth), self-explanatory by regulation.

7. Department of the Army General Orders (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

8. DAGO Number 51, dated 1971, awarded the Meritorious Unit Commendation to 4th Infantry Division, for service in Vietnam for the period of 1 November 1968 to 30 June 1970.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board majority found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy and regulation. Upon review of the applicants petition and available military records, the Board majority determined there is sufficient evidence to grant full relief, including the applicant's provided birth certificate. The Board minority was not convinced by a preponderance of the evidence and denied relief. Based on this, the Board majority granted relief to correct the applicant's date of birth as that reflected on his certificate of birth.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	:	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	■	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending his date of birth to reflect that annotated on his certificate of birth.

5/5/2025

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's service records show he is authorized additional campaign credit not annotated on his DD Form 214. As a result, amend his DD Form 214 to show:

- Army Commendation Medal
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-14)
- Expert Marksmanship Qualification Badge with Rifle Bar (M-16)
- Expert Marksmanship Qualification Badge with Machine Gun Bar (M-60)
- Meritorious Unit Commendation
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- two bronze service stars with his previously awarded Vietnam Service Medal

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 (Administrative Separation Procedures and Forms) 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. All available records will be used as a basis for the preparation of DD Form 214a (Worksheet), including DA Form 24 (Service Record), DA Form 20 (Enlisted Qualification Record), DA Form 66 (Officer Qualification Record), and court-martial orders, when appropriate. Item 16 (Date of Birth), self-explanatory by regulation.

3. Department of the Army Pamphlet 672-3 (Unit Citations and Campaign Participation Credit Register) assist commanders and personnel officers in determining or establishing the eligibility of individual members for campaign participation credit, assault landing credit, and unit citation badges awarded during the Vietnam Conflict.

a. Department of the Army General Orders (DAGO) Number 8, dated 1974, awarded the Republic of Vietnam Gallantry Cross Unit Citation with Palm to Headquarters, United States Army Vietnam, for service in Vietnam for the period of 20 July 1965 to 28 March 1973.

b. DAGO Number 51, dated 1971, awarded the Meritorious Unit Commendation to 4th Infantry Division, for service in Vietnam for the period of 1 November 1968 to 30 June 1970.

//NOTHING FOLLOWS//