

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 December 2024

DOCKET NUMBER: AR20240006931

APPLICANT REQUESTS: correction of her father's, the deceased Service Member (SM), WD AGO Form 53-55 (Enlisted Record and Report of Separation – Honorable Discharge) for the service period ending 14 November 1947 to show a different first name.

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

- DD Form 149 (Application for Correction of Military Record)
- WD AGO Form 53-55
- Honorable Discharge Certificate
- Identification Tags
- Standard Certificate of Birth (SM)
- Certification of Death, 16 August 2020
- Certification of Cremation
- Social Security Administration (SSA) Letter, 7 February 2024
- Form SSA 1099
- Five Copies, U.S. Passports (SM)
- SM's Driver License Class E
- Email Thread, Arlington National Cemetery, 20 February 2024
- Certificate of Birth, Applicant (Daughter)

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 she is requesting, on behalf of her deceased father, the SM, his WD AGO Form 53-55 be corrected to show his first name as William vice Billy.

a. All of the SM's military records list him as Billy; however, all other records list him as William. Arlington National Cemetery requires a perfect name match between the

Army and his “death records,” as a requirement for interment. She is requesting the change to allow her father to be buried at Arlington National Cemetery. Her father passed away from Covid in 2020 at the age of 92. She was unable to give her father the honorable burial he deserved. She had him cremated and his remains are in her home.

b. She has actively pursued over several months to have him and her mother, who also died of Covid 12 days later, buried at Arlington National Cemetery. Her father was on a list to visit the cemetery in March of 2020 and Covid prevented him from taking that trip. She was unable to find the name change documents; however, the Social Security Administration did provide supporting documentation which states her father was known as Billie, Billy, and William throughout his life. She would greatly appreciate any help in her attempt to fulfill the requirements for his burial at Arlington National Cemetery.

3. The applicant provides:

a. His DD Form 214 for his active service from 20 June 1977 through 25 June 1980, to be referenced in the service record.

b. The below listed records to serve as proof of relationship and verify identity of the SM, listed as both Billy and William:

- Identification Tags - Billy
- Standard Certificate of Birth (SM) - Billie
- Certification of Death, 16 August 2020 – William L__ F__ aka Billie L__ F__
- Certification of Cremation - William
- Social Security Administration (SSA) Letter, 7 February 2024
- Form SSA 1099 - William
- Five Copies, U.S. Passports (SM) - William
- SM's Driver License Class E - William
- Certificate of Birth, Applicant (Daughter) - William

c. An email thread from Arlington National Cemetery dated 20 February 2024, which states the applicant would need to request a DD Form 215 (Correction to DD Form 214) from U.S. Army Human Resources Command (HRC) to correct the SM's name to William L__ F__ on his WD AGO Form 53-55 and the Honorable Discharge Certificate.

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

a. The applicant's military records are not available to the Board for review. A fire destroyed approximately 18 million service members' records at the National Personnel Records Center in 1973. It is believed his records were lost or destroyed in that fire. However, there were sufficient documents remaining in a reconstructed record to conduct a fair and impartial review of this case. This case is being considered using

reconstructed records, which primarily consist of a WD AGO Form 53-55 and a Final Payment Worksheet.

b. He enlisted in the Regular Army on 28 June 1946.

c. His Final Payment Worksheet lists the SM's name as F__, B__ L.

d. He was honorably discharged from active duty on 14 November 1947. His WD AGO Form 53-55 shows he completed 1 year, 4 months, and 17 days of active service with 1 year and 18 days of foreign service. It also lists in Block 1 (Last Name, First Name, Middle Initial) his name as F__, Billy L.

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 SM's military record, the Board found that partial relief was warranted. The Board carefully considered the SM's record of service, documents submitted in support of the request and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and the SM's available military records, the Board determined the evidence presented does demonstrate the existence of a probable error or injustice. The SM used the contested name during throughout his period of service. Upon review of the applicant's petition and the SM's available military records, the Board determined the overall merits of this case are sufficient as a basis for correction of the records of the individual concerned. The Board agreed per regulatory guidance adding the SM's first named to block 55 (Remarks) would meet the applicant's intent for correction. Based on this, the Board granted partial 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.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the SM's WD AGO Form 53-55 for the service period ending 14 November 1947, to show in block 55 (Remarks) : Also known As (A.K.A) the first name as it appears on the SM's death certificate and passport.
2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to correction of her father's, the deceased Service Member (SM), WD AGO Form 53-55 for the service period ending 14 November 1947 to show a different first name.

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, 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 635-8 (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//