

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 January 2025

DOCKET NUMBER: AR20240007136

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show a different name and date of birth (DOB).

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Live Birth from the [REDACTED]
- Petition for Name Change

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 found his original birth certificate and discovered that his birthdate and name were entered incorrectly. He was unaware of the application process required to correct his records. He is requesting his DD Form 214 for the period ending 1 June 1979 to show his current legal name and his correct DOB.
3. The applicant provides:
  - a. A Certificate of Live Birth from the State of Louisiana that verifying his identity and the correct DOB as [REDACTED]
  - b. A Petition for Name Change from the State of Louisiana shows on 20 March 2006, the applicant's request for a name change to [REDACTED] was ordered, adjudged and decreed.
4. A review of the applicant's service record shows:
  - a. He was inducted into the Army of the United States on 13 January 1975. His

DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows in Block 6 (Date of Birth), [REDACTED] a date different from that requested.

b. The available service record shows the applicant's DOB, [REDACTED] remained consistent throughout his service, as listed in the DA Form 2 (Personnel Qualification Record).

c. He was honorably released from active duty on 1 June 1979. His DD Form 214 shows he completed 4 years of active service. It also shows in Block 4 (Date of Birth) as [REDACTED]

d. He enlisted in the U.S. Army Reserve on 13 January 1981. His DD Form 4 (Enlistment/Reenlistment Document) shows in Block 7 (Date of Birth), [REDACTED]

5. A review of the applicant's provided attachments show he is eligible for a name change on his DD Form 214 in accordance with the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs) Memorandum, subject: Administrative Name Changes to Department of Defense DD Form 214 – Certificate of Uniformed Service – Initiative Renewal, 25 April 2024. The entry will be added to his DD Form 214 as an administrative correction 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. For "Date of Birth," it states 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 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 applicant's 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 correction to Block 1 (Last Name – First Name – Middle Name) on his DD Form 214. As a result, amend his DD Form 214 to show his legal current legal name as outlined in the Petition for Name Change.

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 and Processing 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. For "Date of Birth," it states verify data accuracy by reviewing original enlistment contract and/or application for appointment.

//NOTHING FOLLOWS//