

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 January 2025

DOCKET NUMBER: AR20240007524

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 9 (Date of Birth): 19 November vice 8 February
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter, 28 February 2024
- Identification Card
- Certificate of Birth, State of Mississippi
- Social Security Administration Letter

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 is seeking correction of his date of birth (DOB) to coincide with state identification documents and the Social Security Administration office. The correction will also facilitate his ability to be buried next to his wife at an Army burial location.
3. The applicant provides the above listed documents in support of his request as proof of identification and verification of DOB.
4. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 7 October 1952. His

DD Form 47 (Record of Induction) shows in item 6 (Date of Birth): [REDACTED]
the contest DOB

b. His DA Form 20 (Enlisted Qualification Record), created upon his enlistment, shows in item 6 (Date of Birth) the contested DOB.

c. The available service record lists the contested DOB consistently throughout the record.

d. He was honorably released from active duty on 18 August 1954. His DD Form 214 shows he completed 1 year, 10 months, and 12 days of active service. It also shows in item 10 (Date of Birth), the contested DOB.

5. A review of the applicant's service record contains sufficient evidence to support administrative corrections that are not annotated on his DD Form 214 for the period ending 18 August 1954. These omissions will be added to his DD Form 214 as administrative corrections and will not be considered by the Board,

6. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

7. By regulation, 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 block 9 (Date of Birth), verify data accuracy by reviewing original enlistment contract.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was 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. The Board determined the evidence presented does demonstrate the existence of a probable error or injustice. The applicant used the contested date of birth (DOB) during his entire period of service. Upon review of the applicant's petition and 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.

2. The Board determined that there was sufficient evidence to support partial relief based on the applicant's age and the documentation provided. Specifically, the Board recommended correcting the applicant's record by annotating item 30 (Remarks) to include his "Also Known As" (AKA) date of birth, as reflected in the letter from the Social Security Administration. During deliberation, the Board also noted that the applicant's service record did not reflect award of the Army Good Conduct Medal (1st Award). However, the record shows he received "excellent" conduct and efficiency ratings throughout his period of service from 7 October 1952 to 18 August 1954. Based on this, the Board found the applicant met the criteria for the award and granted additional relief to correct his record accordingly. Therefore, the Board granted partial relief for correction of the applicant's record to reflect in item 30 (Remarks) the AKA date of birth as shown on the SSA letter and to include award of the Army Good Conduct Medal (1st Award).

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

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the administrative notes annotated by the Analyst or Record (below the signature), 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

- awarding him the Army Good Conduct Mead (1st Award) for exemplary service from 7 October 1952 to 18 August 1954 and adding the medal to his DD Form 214
- Item 30 (Remarks) add Also Known As" (AKA) date of birth, as reflected in the letter from the Social Security Administration.

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 his DD Form 214 to show in item 9 (Date of Birth) 19 November vice 8 February.

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.

ADMINISTRATIVE NOTES:

A review of the applicant's records shows he is authorized additional awards not annotated on his DD Form 214 for the period ending 18 August 1954. As a result, amend his DD Form 214 by adding

- National Defense Service Medal
- United Nations Service Medal for Korea

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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 635-8 (Separation Processing and Documents) currently in effect prescribes policy and procedural guidance relating to transition management. The DD Form 214 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 block 10 (Date of Birth), verify data accuracy by reviewing original enlistment contract.

//NOTHING FOLLOWS//