

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2025

DOCKET NUMBER: AR20240007582

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show:

- the correct date of birth (DOB)
- Title 10, Executive Order 10730
- reissue a legible copy

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 24 (Service Record), 15 January 1958
- DA Form 20 (Enlisted Qualification Record)
- Executive Order 10730
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge)
- NGB Form 22 (Report of Separation and Record of Service), 7 February 1959
- NGB Form 22, 31 March 1964
- NGB Form 23 (Retirement Credits Record), 31 March 1964

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 his DOB is incorrect. His DOB is [REDACTED] but in his DD Form 214 has it listed as [REDACTED]. The DOB on his DD Form 214 does not match the DOB on his birth certificate. Further, he is requesting a legible copy of his DD Form 214 with Title 10 Executive Order 10730 recorded.
3. The applicant's military records are not available to the Board for review. 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 supporting documents provided by the applicant.

- a. He enlisted in the Army National Guard (ARNG) on 8 February 1956.
 - b. He entered active duty on 24 September 1957.
 - c. He was honorably released from active duty on 23 October 1957. His DD Form 214 shows he completed 1 month of active service. It also shows in Block 6 (Date of Birth) [REDACTED] and in Block 19a (Source of Entry), "Call Executive Order 10730, 24 September 1957."
 - d. He was honorably released from the ARNG on 7 February 1959. His NGB Form 22 (Report of Separation and Record of Service in the Army National Guard of Arkansas) shows he completed 3 years of total service. It also shows in Block 10 (DOB) [REDACTED]
 - e. He enlisted in the ARNG on 8 February 1962. He was honorably released from the ARNG on 31 March 1964. His NGB Form 22 shows he completed 2 years, 1 month, and 23 days of total service. It also shows in Block 10 (DOB) [REDACTED]
4. 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.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board 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 determined there is sufficient evidence to grant full relief. Based on this, the Board granted relief to correct the applicant's DD Form 214, item 6 (Date of Birth) to reflect the date listed on his NGB Form 22 ([REDACTED]). However, the applicant's request to have the entry of "Title 10, Executive Order 10730" added to his DD Form 214 is unwarranted, since it is already listed on the form, but the Board granted relief to have a legible DD Form 214 reissued to the applicant.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 on his DD Form 214 to reflect the date listed on his NGB Form 22, and that he be reissued a legible copy of his DD Form 214 as a result of this correction.

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, United States 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 Block 5 (DATE OF BIRTH), from the source documents, DA Form 2-1 (Personnel Qualification Record), DA Form 2A (Personnel Qualification Record, Part I) and/or the DD Form 214 (Certificate of Release or Discharge from Active Duty), enter the date using six-digit number in this item; year, month, and day written in that sequence without spaces or slashes, e.g., 590612 for 12 Jun 59.

//NOTHING FOLLOWS//