

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 February 2025

DOCKET NUMBER: AR20240007722

APPLICANT REQUESTS: amendment of the deceased former service member's (SM) DD Form 214 (Armed Forces of the United States Report o Transfer or Discharge) to show in item 9 (Date of Birth) a different birth day, month, and year than that shown.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, for the period ending 31 October 1968
- Marriage License
- Death Certificate
- Birth Certificate and Driver License

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, the spouse of the SM, states his DD Form 214 shows the wrong date of birth and she is applying for Department of Veterans Affairs benefits.
3. A review of the SM's service record shows:
  - a. Prior to his induction into the Army of the United States, the SM authenticated a DA Form 41 (Record of Emergency Data) in which his date of birth is listed as the contested day, month, and year.
  - b. The SM was inducted into the Army of the United States on 1 November 1966 and ordered to active duty on 2 November 1966. His DD Form 47 (Record of Induction) shows in item 5 (Date of Birth) the contested day, month, and year.
  - c. The SM's DA Form 20 (Enlisted Qualification Record), created upon induction, shows his date of birth in item 6 as the contested day, month, and year.

d. On 31 October 1968, the SM was honorably released from active duty. His DD Form 214 shows in item 9 (Date of Birth) the contested day, month, and year.

4. By regulation, for the date of birth entry on the DD Form 214, verify data accuracy by reviewing original enlistment contract and/or application for appointment.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the SM 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 petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and the available military records of the deceased former service member (SM), the Board determined that there is sufficient evidence to support the applicant's request for correction of the DD Form 214. Specifically, the Board found that the SM's date of birth, as reflected on the official certificate of live birth, should be added to block 30 (Remarks) of the DD Form 214 as an "Also Known As" (A.K.A.) entry. Based on this, the Board granted partial relief.

2. The governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214, a summary of a specific period of active-duty service. 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.

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. 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 DD Form 214 for the period ending 31 October 1968 by adding in block 30 (Remarks) Also Known As (A.K.A) his birth date as shown in his certificate of live birth.

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 amendment of the deceased former service member's (SM) DD Form 214 (Armed Forces of the United States Report o Transfer or Discharge) to show in item 9 (Date of Birth) a different birth day, month, and year than that shown.

X //SIGNED//

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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 (AR) 635-8 (Separation Processing and Documents), provides for the processing of separation documents. It states for the date of birth entry on the DD Form 214, verify data accuracy by reviewing original enlistment contract and/or application for appointment.

//NOTHING FOLLOWS//