

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 February 2025

DOCKET NUMBER: AR20240007941

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), ending 10 February 1986 to reflect his last name to read [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- United States Passport and Social Security Card
- Birth Certificate

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, in pertinent part, he has been using the last name [REDACTED] since moving to Canada in 1986. The Canadian government required that he change the name on his birth certificate as well. He would like his service record to reflect the current last name.

3. The applicant provides the following documents showing his name reflecting [REDACTED] C- E-,

- United States Passport
- Social Security Card
- Birth Certificate

4. A review of the applicant's available service record reflects the following:

a. On 2 August 1983, he enlisted in the Regular Army under the name [REDACTED] C- E-.

b. His DA Form 2-1 (Personnel Qualification Record – Part II), shows in Block 1 (Name) [REDACTED]

c. On 10 February 1986 he was honorably discharged from active duty. His DD Form 214 shows he completed 2 years, 6 months, and 19 days of active service. His DD Form 214, lists in Block 1 (Name (last, first, middle)) [REDACTED]

5. 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. Source documents include the DA Form 20 (Enlisted Qualification Record), DD Form 47 (Record of Induction), DD Form 4 (Enlistment Record – Armed Forces of the United States), as well as orders. The name to be shown on the DD Form 214 is taken from these source documents.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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. Upon review of the applicant's petition and available military records, the Board found that the evidence provided does not substantiate a probable error or injustice. The applicant consistently used the contested last name throughout the entirety of their military service. Given these facts, the Board determined that the overall merits of the case were insufficient to justify a correction to the official records. Accordingly, the Board determined that relief was not warranted and denied the request.

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.

3. The applicant is advised that a copy of this decisional document, along with his application and the supporting evidence he provided, will be filed in his official military records. This should serve to clarify any questions or confusion regarding the difference in the first name recorded in his military records and to satisfy his desire to have his legal name documented in his military record

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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 635-5 (Personnel Separations), in effect at the time, 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. Source documents include the DA Form 20 (Enlisted Qualification Record), DD Form 47 (Record of Induction), DD Form 4 (Enlistment Record – Armed Forces of the United States), as well as orders. The name to be shown on the DD Form 214 is taken from these source documents.

//NOTHING FOLLOWS//