

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 February 2025

DOCKET NUMBER: AR20240008266

APPLICANT REQUESTS: the applicant, the spouse of the deceased former service member (FSM) requests, in effect, correction of the following DD Forms 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect the requested date of birth (DOB), which is the DOB listed on his Certificate of Marriage and Certificate of Death.

- DD Form 214, for the period 2 November 1967 to 7 June 1969
- DD Form 214, for the period 3 September 1969 to 21 January 1971
- DD Form 214, for the period 22 January 1971 to 13 December 1973

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Marriage
- DD Form 214, for the period 22 January 1971 to 13 December 1973
- FSM's Certificate of Death

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 the DOB on the FSM's DD Forms 214 is incorrect. His actual DOB is the requested DOB, which is listed on his certificates of marriage and death.
3. The FSM's service record contains the following documents showing he served in an active-duty status during three periods of service using the contested DOB:
 - DD Form 4 (Enlistment Contract - Armed Forces of the United States)
 - DD Form 398 (Statement of Personal History)
 - DD Form 214, for honorable service from 2 November 1967 to 7 June 1969
 - DD Form 214, for honorable service from 3 September 1969 to 21 January 1971

- DD Form 214, for service characterized as under honorable conditions from 22 January 1971 to 13 December 1973
- Armed Forces Fingerprint Card
- Two DA Forms 20 (Enlisted Qualification Record)

4. The FSM's service record does not contain any documents listing the requested DOB.

5. The applicant provided the following documents:

- Certificate of Marriage - shows the requested DOB
- The FSM's DD Form 214, ending 13 December 1973 - show the contested DOB
- The FSM's Certificate of Death - shows the requested DOB

6. The applicant's submissions were provided to the Board in their entirety.

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.

2. The Board carefully considered the applicant's contentions, the FSM's military record, documents reflecting the contested DOB including handwritten entries and multiple documents signed by the FSM over a 5-year period of service. The Board considered the DOB entries on the Certificate of Marriage and the Certificate of Death provided by the applicant. The Board was not provided a copy of the FSM's Certificate of Birth and there was not one in the record. The Board found that the evidence presented does not demonstrate the existence of a probable error or injustice. The applicant used the contested date of birth month and year during his entire period of service. The Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. Based on a preponderance of evidence to include documents within the service record, the Board denied relief.

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 date of birth month and year recorded in his military records and to satisfy his desire to have his date of birth month and year documented in his military records.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
☐	☐	☐	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 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army and established standardized policy for preparing and distributing the DD Form 214. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for the DOB stated self-explanatory.

//NOTHING FOLLOWS//