

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 March 2025

DOCKET NUMBER: AR20240008282

APPLICANT REQUESTS: correction of all military records to show his gender as male rather than female and correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) as follows:

- Item 19a (Mailing Address After Separation) should show the same address as Item 7b (Home of Record at Time of Entry)
- Item 19b (Nearest Relative) delete current entry
- Item 20 (Member Requests Copy 6 Be Sent To) should be corrected to show TX
- Item 28 (Narrative Reason for Separation) to show a different reason

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

Online Application

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 nearest relative in item 19b on the DD Form 214 needs to be removed as the individual is not the applicant's relative. The applicant's nearest relative is [REDACTED] Junior. The applicant had a family care plan before going into the Army and had no issues performing military duties. The applicant's discharge was due to being unable to deploy and take the physical fitness test because of a knee injury. The applicant was never in Colorado after separating.
3. The applicant enlisted in the Regular Army on 10 April 2017. The applicant's name at the time of enlistment was [REDACTED]. The documents filed in the applicant's service record show the applicant's gender as female.
4. The applicant was formally counseled on 2 February 2018 of the requirement to maintain a Family Care Plan. The applicant's service record contains an incomplete DA Form 5305 (Family Care Plan).

5. The applicant signed a memorandum for record on 2 February 2018, waiving a family care plan and further stating all options for finding childcare had been exhausted.

6. The applicant was notified on 18 July 2018 of the immediate commander's intent to initiate involuntary separation action against the applicant under the provisions of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-8, due to parenthood. As the specific reason, the commander stated the applicant lacked a valid family care plan which made the applicant non-available for worldwide assignment or deployment. The applicant acknowledged receipt of the notification on that same date.

7. The applicant consulted with counsel on 31 July 2018. The applicant was advised of the basis for the contemplated separation action and its effects; of the rights available; and the effect of any action to waive those rights. The applicant did not elect to submit a statement.

8. The applicant's immediate and intermediate commanders formally recommended the applicant's separation, prior to the expiration of current term of service, with an honorable character of service.

9. On 21 September 2018, the separation authority approved the recommended separation action and directed a service characterization of honorable.

10. The applicant was honorably discharged on 11 October 2018, under the provisions of AR 635-200, paragraph 5-8, completing 1 year, 6 months, and 2 days of net active service. The applicant's DD Form 214 contains the following relevant entries:

- Item 7b – 7401 Jackson Hole Drive, Amarillo, TX 79118
- Item 19a – 3556 Van Teylingen Drive, Apt A, Colorado Springs, CO 80917
- Item 19b – [REDACTED] 621 Tiny Town Road, Clarksville, TN 37042
- Item 20 – CO
- Item 28 – Parenthood

11. For historical purposes, the Army has an interest in maintaining the integrity of its records. The data and information contained in those records should reflect the conditions and circumstances that existed at the time the records were created. In the absence of a showing of material error or injustice, this Board is reluctant to recommend these records be changed.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

- Item 19a (Mailing Address After Separation) should show the same address as Item 7b (Home of Record at Time of Entry). Deny: Upon review of the applicant's petition and available military records, the Board determined the applicant's mailing address listed on her DD Form 214 was correct in accordance with regulatory guidance at the time the DD Form 214 was prepared during the applicant's separation. 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. The Board determined there was no error or injustice and denied relief.
- Item 19b (Nearest Relative) delete current entry. Deny: Upon review of the applicant's petition and available military records, the Board determined the nearest relative listed on her DD Form 214 was correct in accordance with regulatory guidance at the time the DD Form 214 was prepared during the applicant's separation. 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.
- Item 20 (Member Requests Copy 6 Be Sent To) should be corrected to show TX. Deny: Upon review of the applicant's petition and available military records, the Board determined the applicant's address listed on her DD Form 214 was correct in accordance with regulatory guidance at the time the DD Form 214 was prepared during the applicant's separation. 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. The Board determined there was no error or injustice and denied relief.
- Item 28 (Narrative Reason for Separation) to show a different reason. Deny: Upon review of the applicant's petition and available military records, the Board determined the applicant's narrative reason for separation listed on her DD Form 214 was correct in accordance with regulatory guidance at the time the DD Form 214 was prepared during the applicant's separation. 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. The Board determined there was no error or injustice and denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XX	XX	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 Army Board for Correction of Military Records (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 - Separation Documents), prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, released from active duty service, or control of the Active Army. It also establishes standardized policy for preparing and distributing the DD Form 214.

a. Chapter 2 contains guidance on the preparation of the DD Form 214. It states that the source documents for entering information on the DD Form 214 will be the Enlisted Record Brief (ERB), Officer Record Brief (ORB), enlistment/ reenlistment documents, personnel finance records, discharge documents, separation orders, or any other document authorized for filing in the Official Military Personnel File. It shows for:

(1) Item 19a (Mailing Address After Separation) will be provided by the Soldier; must be a permanent address.

(2) Item 19b (Nearest Relative) will be provided by the Soldier; should be someone who will know their location and address at all times; when a relative is not available, use a close friend.

(3) Item 20 (Request for Forwarding Copy 6) this copy will be forwarded, if requested, to the State Veteran Affairs Office indicated by the Soldier.

3. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-8, provides for the involuntary separation due to parenthood. Soldiers were considered for involuntary separation when parental obligations interred with the fulfillment of military responsibilities. Specific reasons for separation due to parenthood included inability to perform prescribed duties satisfactorily, repeated absenteeism, late for work, inability to participate in field training exercises or perform special duties such as charge of quarters and staff duty noncommissioned officer, and unavailability for worldwide assignment or deployment according to the needs of the Army.

//NOTHING FOLLOWS//