

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 April 2025

DOCKET NUMBER: AR20240009685

APPLICANT REQUESTS: correction of his records to show his last name as [REDACTED] instead of [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Live Birth
- Certificate of Appreciation [REDACTED]
- [REDACTED] Retirement System Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment

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 when he enlisted, he was told his last name was [REDACTED] and years later he found out when he requested a birth certificate, his last name was [REDACTED]. He was unaware all his life that his name was not correct during his enlistment. He wants his service record to reflect his correct name. During the time of his enlistment, his birth certificate was not requested. Had he known, he would have corrected it then.
3. The applicant provides:
 - a. A copy of his certificate of live birth which shows the requested last name [REDACTED]
 - b. A certificate of appreciation which shows the contested last name [REDACTED]
 - c. Florida Retirement System Notice of Election to Participate in the Deferred Retirement Option Program and Resignation of Employment, which shows the requested last name, [REDACTED]

4. A review of the applicant's service record shows:

a. He enlisted in the Army National Guard (ARNG) of Florida on 2 March 1976. His DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows in block 5 (Name), the contested last name [REDACTED]

b. His name on all his service records reflects the contested last name, [REDACTED]

c. He attended active duty training from 11 July 1976 to 23 October 1976. His last name on his DD Form 214 (Report of Separation from Active Duty) reflects the contested last name, [REDACTED]

d. On 13 August 1984, the applicant was honorably discharged from the ARNG and transferred to the U.S. Army Reserve Control Group. His NGB Form 22 (Report of Separation and Record of Service) shows in block 1 (Name), the contested last name [REDACTED]

5. 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:

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. One possible option was to grant partial relief and add the change to Block 18 (Remarks). However, upon review of the applicant's petition and available military record, the Board majority found the evidence presented does not demonstrate the existence of a probable error or injustice at the time of his military service. The applicant used the contested name 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 this 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 last name recorded in his military records and to satisfy his desire to have his legal name 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	
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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 635-5 (Personnel Separations – Separation Documents), in effect at the time, prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for the preparation of the DD Form 214. It states for Item 1 (Name) enter last name, first name, and full middle name or names, if any.
3. Army Regulation 635-8 (Separation Processing and Documents), currently in effect, prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It states DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. It states, Block 1 (Name) to compare the original enlistment contract or appointment order and review the official record for possible name changes. If a name change has occurred, list other names of record in block 18 (Remarks).

//NOTHING FOLLOWS//