

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 May 2025

DOCKET NUMBER: AR20240011660

APPLICANT REQUESTS: correction of his DD Form 214 (Report of Separation from Active Duty) for the period ending 13 January 1976 to show the spelling of his first name as shown on his birth certificate.

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

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Certificate of Birth
- Social Security Card
- State Diver License
- Two health insurance cards
- DD Form 214 for the period ending 13 January 1976
- Honorable Discharge Certificate, 22 January 1979
- Military Photograph

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 he enlisted the Army by a different first name and went by that name for a number of years. It was not noticed until the Department of Motor Vehicles and the Social Security Office discovered the discrepancy and required him to change his first name back to his birth name. He would like to change it on his DD Form 214 as it is preventing him in receiving veteran benefits.

3. Item 1 (First Name – Middle Name – Maiden Name (if any) – Last Name) of his DD Form 398 (Statement of Personal History) shows he listed G_____ as his first name. He signed the form utilizing the contested first name on 11 June 1973.

4. He enlisted in the Regular Army on 23 January 1973 with parental consent. Item 5 (Name (Last Name – First Name – Middle Name) of his DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows his name as G____ T____.

5. A review of his military records revealed all applicable documents contain his contested name and he authenticated those documents with his signature showing the contested name.

6. He was honorably released from active duty on 13 January 1976 and transferred to the U.S. Army Reserve Control Group (Reinforcement). He completed 2 years, 11 months, and 21 days of total active service. Item 1 (Last Name – First Name – Middle Name) of his DD Form 214 shows his first name spelled as G____.

7. He provides copies of his birth certificate, social security card, driver license, and two health insurance cards all showing the spelling of his first name as J____. He also provides his Honorable Discharge Certificate that shows his contested name and a military photograph.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record establishes that the applicant enlisted in the Regular Army on 23 January 1973, and his DD Form 4 reflects his first name as George. All official documents in the applicant's record likewise list his first name as George. Based on fairness and equity, and in consideration of documents provided by the applicant, the Board concluded that the applicant's DD Form 214 should include in the remarks section that he was also known as Jorge.

2. Prior to closing, the Board noted the applicant qualified for the Army Good Conduct Medal (First Award) for the period 23 January 1973 to 13 January 1976 and it was not listed on his DD Form 214.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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 his DD Form 214, ending on 13 January 1976, to show in item 18 (Remarks) First Name: Jorge.

2. The Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 13 January 1976 by:

- awarding him the Army Good Conduct Medal (First Award) for the qualifying period 23 January 1973 to 13 January 1976
- adding the Army Good Conduct Medal (First Award) to his DD Form 214

3. The Board further determined that 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 amending his DD Form 214, item 1 to show the name George.

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. Army Regulation 635-5 (Separation Documents), 20 August 1973, prescribed the separation documents that are furnished to individuals who are retired, discharged, or released from active military service. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.
 - a. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214.
 - b. The specific instructions for item 1 stated to enter the name in the order shown on the DD Form 214, using all capital letters, and include abbreviations for junior, senior, and second, when appropriate.

//NOTHING FOLLOWS//