

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 August 2025

DOCKET NUMBER: AR20240013287

APPLICANT REQUESTS: correction of the deceased Service Member's (SM), his spouse, DD Form 214 (Certificate of Release or Discharge from Active Duty) as follows:

- Item 1 (Last Name, First Name, Middle Name) –first name as Mark vice Marques
- Item 28 (Narrative Reason for Separation) – Physical Disability, Permanent vice Physical Disability, Temporary
- a personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- SM Birth Certificate
- SM Death Certificate
- SM Marriage Certificate
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- DA Form 4250 (Certificate of Retirement)

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 SM's DD Form 214 (Certificate of Release or Discharge from Active Duty) should be corrected to show:

- his first name as M____, the requested name
- his narrative reason for separation to be changed to Physical Disability, Permanent
- corrections are required for the SM's remains to be interred at Arlington National Cemetery

- Arlington National Cemetery is requesting a copy of the SM's corrected DD Form 214 no later than 5 October 2024

3. The applicant provides:

a. The SM's Birth Certificate, Death Certificate and his Marriage Certificate which shows the SM's first name as the requested name and cause of death, lung cancer.

b. A DA Form 4250 (Certificate of Retirement) shows the SM was retired from the U.S. Army on 29 July 1994.

4. A review of the SM's record shows:

a. He enlisted in the Regular Army on 11 July 1983. His DD Form 4 (Enlistment/Reenlistment Document) list his first name as the contested name.

b. Orders Number D130-7, shows the applicant was placed on the Temporary Disability Retired List (TDRL), effective 28 July 1989.

c. On 28 July 1989, he was honorably retired from active duty. His DD Form 214 shows he completed 6 years, and 18 days of active-duty service. His DD Form 214 further shows:

- block 1 – the applicant's contested first name
- block 25 (Separation Authority) – Title 10 USC Section 1202
- block 28 – Physical Disability, Temporary

d. The SM's contested first name is listed consistently throughout the service record.

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 review based on law, policy, and regulation. The evidence presented does not demonstrate the existence of a probable error or injustice. The Board noted the SM used and signed documents using 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 the service record and a preponderance of the evidence, 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 the SM's official military records. This should serve to clarify any questions or confusion regarding the difference in the name recorded in his military records and to satisfy his desire to have his name documented in his military records.
4. The Board further determined that the evidence presented is insufficient to warrant a correction of the SM's DD Form 214. The governing regulation does not provide for the issuance of a DD Form 214 when a service member's status changes from the TDRL to the permanent disability retire list.
5. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 635-8 (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. 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.

a. Block 1 (Name) states compare original enlistment contract or appointment order and review official record for possible name changes. If a name change has occurred list other names of record in Block 18 (Remarks).

b. Block 25 (Separation Authority) states obtain correct entry from regulatory directives authorizing the separation.

c. Block 28 (Narrative Reason for Separation) states this is based on regulatory or other authority and can be checked against the cross reference in AR 635-5-1.

d. Paragraph 5-2 states a DD Form 214 will not be prepared for personnel being removed from the temporary disability retired list.

//NOTHING FOLLOWS//