

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-172

██████████
CWO2

FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the completed application on July 11, 2018, and assigned it to staff member ██████████ to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated July 19, 2019, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant, a Chief Warrant Officer (CWO2) on active duty, asked the Board to correct his record by updating Block 18 of the DD 214 that he received when he resigned from the Coast Guard Academy. Block 18 currently reads:

PERIOD SERVED BETWEEN BLOCKS 12A AND 12B INCLUDES CADET SERVICE WHICH IS NOT CONSIDERED ACTIVE SERVICE FOR PURPOSES OF COMPLETION OF ENLISTMENT OR RETIREMENT, BUT IS CONSIDERED ACTIVE SERVICE FOR BENEFITS AS DETERMINED BY THE VETERAN'S ADMINISTRATION PURSUANT TO TITLE 38 U.S. CODE (EXCEPT FOR VETERAN'S EDUCATION ASSISTANCE)

The applicant asked that his time at the Coast Guard Academy be counted toward his enlistment obligations and retirement, since he did not graduate from the Academy and therefore was not a commissioned officer. This correction would add an additional year and a half of active service to his military record, since he entered the Academy as a cadet on June 1, 2002, and was discharged from the Academy on January 9, 2004. The applicant argued that his time at the Academy counts toward his total enlisted service for retirement purposes under 10 U.S.C. § 516 and 10 U.S.C. § 971, which allow for enlisted servicemembers to count time spent as a cadet toward retirement and enlistment obligations.

The applicant noted that, while the injustice occurred on January 9, 2004, the date of his separation from the Coast Guard Academy, he only realized the error on February 15, 2018,

because he is nearing retirement age and became concerned about the calculation of his accumulated years of service.

The applicant did not provide any extra documentation to support his request.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve on June 23, 1998. On January 19, 2000, he enlisted in the regular Coast Guard. He received multiple awards for good service to the Coast Guard, and advanced to Marine Science Technician second class (MST2/E-5) before his acceptance into the Coast Guard Academy on July 1, 2002. His academic record shows that the applicant completed three semesters at the Academy before he was discharged from the Coast Guard for “miscellaneous or general reasons” on January 9, 2004.

A DD 214 recently placed in the applicant’s record shows in Blocks 12a, 12b, and 12c, respectively, that the Date Entered Active Duty This Period was July 1, 2002; that the Separation Date This Period was January 9, 2004; and that he had served 1 year, 6 months, and 9 days of Net Active Service This Period. The applicant’s active duty and inactive duty before his enrollment at the Academy are listed, respectively, as Total Prior Active Service and Total Prior Inactive Service in Blocks 12d and 12e. The DD 214 includes the notation quoted above regarding his time as a cadet in Block 18.

Upon leaving the Academy, the applicant immediately returned to the Coast Guard Reserve as an MST2 and advanced to MST1/E-6 on September 1, 2004. He remained a reservist until July 15, 2005, when he reenlisted on active duty. As a member of the regular Coast Guard, he advanced to MSTC/E-7 on June 1, 2012.

On June 1, 2017, the applicant accepted an appointment as a CWO2,¹ and he remains on active duty.

VIEWS OF THE COAST GUARD

On December 19, 2018, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which she recommended that the Board grant partial relief in this case. The JAG adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC’s memorandum stated that the applicant’s Block 18 as currently written erroneously implies that time served as a cadet would not count toward an enlisted servicemember’s period of obligated service. However, PSC noted that 10 U.S.C. § 971(b)(3) states that “in computing length of service for any purpose, service as a cadet or midshipman may not be credited to any of the following officer: ... [a]n officer of the Coast Guard.” Therefore, PSC concluded that the applicant’s time at the Academy counted toward his service obligation until he became a warrant officer.

¹ The Coast Guard does not use the rank of warrant officer (WO1), and so enlisted members are appointed directly to chief warrant officer (CWO2).

At that point, his time spent as a cadet no longer counted as active duty. To illustrate this distinction, PSC recommended that the applicant's Block 18 be corrected to read:

PERIOD SERVED BETWEEN BLOCKS 12A AND 12B INCLUDES CADET SERVICE WHICH IS NOT CONSIDERED ACTIVE SERVICE FOR PURPOSES OF RETIREMENT (IF AN OFFICER) BUT IS CONSIDERED ACTIVE SERVICE FOR COMPLETION OF ENLISTMENT AND BENEFITS AS DETERMINED BY THE VETERAN'S ADMINISTRATION PURSUANT TO TITLE 38, U.S. CODE (EXCEPT FOR VETERAN'S EDUCATION ASSISTANCE)

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On February 5, 2019, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty days. The applicant responded to the Coast Guard's memorandum with a personal statement dated February 21, 2019.

The applicant objected to PSC's reliance on 10 U.S.C. § 971(b)(3). He alleged that the grade of warrant officer began in 1918 and so did not exist at the time of the law's creation in the Act of August 24, 1912. Therefore, he argued, the reference to "any officer" in the text of the statute cannot have been intended to refer to a warrant officer. He next noted that warrant officers are inferior to commissioned officers in the ranks of ensign through admiral and argued that they should be treated like enlisted members because they come from the enlisted ranks and do not normally attend the Academy.

The applicant noted that in 1946, the Comptroller General² found that the laws prohibiting counting time at a military academy toward an officer's length of service were enacted because under the pay scales at the time, if the four years at a military academy counted as active duty, an O-1 appointed from a military academy would receive a 10% pay increase after one year, whereas an O-1 appointed from civil life—educated at his own expense—would have to serve as an officer for five years to receive the 10% pay increase and serve five years longer to be entitled to a twenty-year retirement. Therefore, the applicant stated, commissioned officers do not count time spent as a cadet toward retirement because it would unfairly inflate their time served in the military. But, he argued, this same principal should not apply to him as a warrant officer because his time at the Academy did not result in a commission. Instead, he remained an enlisted member for years after he left the Academy, and during all those years—until he accepted the appointment to chief warrant officer—his 1 year, 6 months, and 9 days at the Academy counted as creditable active service toward his retirement. The applicant noted that when applying for the appointment to chief warrant officer as an enlisted member, his time as a cadet also counted as active duty for the purposes of his application.

The applicant argued that the Board should grant relief because in *Texas Commission for the Blind v. United States*, the court held that "even when a statute is clear on a purely linguistic level, interpretation may be necessary if that interpretation does not do justice to the realities of the situation."³ And in *Rector, Etc., Holy Trinity Church v. United States*, the Supreme Court

² Comp. Gen. Decision B-53092 (May 10, 1946).

³ *Texas State Commission for the Blind v. United States*, 796 F.2d 400, 406 (Fed. Cir. 1986).

stated that it is a “familiar rule that a thing may be within the letter of the statute, but not within its spirit nor within the intention of its makers.”⁴

The applicant argued that the language in 10 U.S.C. § 516(b), which provides that an enlisted member’s time as a cadet “is counted as service under that enlistment or period of obligated service” is “most applicable” to his situation. He also noted that 14 U.S.C. § 467 states that “[i]n computing length of service of officers and enlisted personnel for any purpose all creditable service in the Army, Navy, Marine Corps, Air Force, Coast Guard, Revenue Cutter Service, and Life Saving Service shall be included in addition to any other creditable service authorized by any other law.”

APPLICABLE LAW AND POLICY

Statutes

Title 10 U.S.C. § 101(b) includes the following definitions for the purposes of title 10:

- (1) The term “officer” means a “commissioned or warrant officer.”
- (2) The term “commissioned officer” includes a commissioned or warrant officer.
- (3) The term “warrant officer” means a person who holds a commission or warrant in a warrant officer grade.

Title 10 U.S.C. § 571(b) states that appointments in the grade of warrant officer (W-1) in the Coast Guard may be made by “warrant” of the Secretary, instead of commission, but appointments to chief warrant officer grades “shall be made by commission by the President.”

Title 10 U.S.C. § 971(a), “Prohibition on counting enlisted service performed while at service academy or in Navy Reserve,” states, “The period of service under an enlistment . . . while also performing service as a cadet . . . may not be counted in computing, for any purpose, the length of service of an officer of an armed force.”

Title 10 U.S.C. § 971(b), “Prohibition on counting service as a cadet or midshipman,” states the following:

In computing length of service for any purpose, service as a cadet or midshipman may not be credited to any of the following officers:

- (1) An officer of the Navy or Marine Corps.
- (2) A commissioned officer of the Army or Air Force.
- (3) An officer of the Coast Guard.
- (4) An officer in the Commissioned Corps of the Public Health Service.

“Service as a cadet or midshipman” is defined at 10 U.S.C. § 971(c) as including “service as a cadet at the . . . United States Coast Guard Academy.”

Title 10 U.S.C. § 516, “Effect upon enlisted status of acceptance of appointment as cadet or midshipman,” states the following in pertinent part:

⁴ *Rector, Etc., of Holy Trinity Church v. United States*, 143 U.S. 457, 459 (1892).

(a) The enlistment or period of obligated service of an enlisted member of the armed forces who accepts an appointment as a cadet at ... the United States Coast Guard Academy, ... may not be terminated because of the acceptance of that appointment. ...

(b) If a person covered by subsection (a) is separated from service as a cadet or midshipman, or from service as a midshipman in the Navy Reserve, for any reason other than his appointment as a commissioned officer of a regular or reserve component of an armed force or because of a physical disability, he resumes his enlisted status and shall complete the period of service for which he was enlisted or for which he has an obligation, unless he is sooner discharged. In computing the unexpired part of an enlistment or period of obligated service for the purposes of this subsection, all service as a cadet or midshipman is counted as service under that enlistment or period of obligated service.

Title 14 U.S.C. § 467 states that “[i]n computing length of service of officers and enlisted personnel for any purpose all creditable service in the Army, Navy, Marine Corps, Air Force, Coast Guard, Revenue Cutter Service, and Life Saving Service shall be included in addition to any other creditable service authorized by any other law.”

Personnel Manual

Article 12.C.2.(4) of the Personnel Manual in effect in 2004, COMDTINST M1000.6A, which lists service creditable for retirement purposes, states:

Service time while attending the U.S. Coast Guard Academy is creditable only for enlisted members. Service time while attending the U.S. Coast Guard Academy may not be counted in computing, for any purpose, the length of service of an officer.

Military Separations Manual

Article 1.C.2.(4) of the current Military Separations Manual, COMDTINST M1000.4, states that “[s]ervice time while attending the U.S. Coast Guard Academy is creditable only for enlisted members. Service time while attending the U.S. Coast Guard Academy may not be counted in computing, for any purpose, the length of service of an officer.”

DD 214 Manual

The DD 214 Manual in effect in 2004, COMDTINST M1900.4D, provides the following instructions about completing the form. The instructions for completing the various blocks on the form in Chapter 1.E. of the manual are as follows:

Block 12a. Date Entered Active Duty This Period. Enter the date of entry on active duty.

Block 12b. Separation Date This Period. Enter the effective date of release/discharge. ...

Block 12c. Net Active Service This Period. Enter the years, months, and days of service creditable for basic pay purposes for the period from date entered active duty this period (block 12a) through date of separation (block 12b). Note that service while attending a Service Academy as a cadet is creditable for enlisted members reverted to enlisted status, but in no case is it creditable for a member commissioned as an officer. Deduct all periods of lost time.

Block 12d. Total Prior Active Service. Enter the years, months, and days of service creditable for basic pay for all active service prior to the date entered in block 12a. ...

Block 12e. Total Prior Inactive Service. Enter the years, months, and days of service creditable for basic pay for inactive service completed prior to the date entered in block 12a. ...



Block 18. Remarks. Entries in this block consist of information not shown elsewhere on the form. Only the entries specified below or in supplementary directives will be made in this block. (See Chapter 10, Section A, CG PAYMAN, COMDTINST M7220.29 (series)). Repetition of information included in other blocks adds nothing and obscures essential data. Any unused space will be filled in by diagonal "X's". ...



Block 23. Type of Separation. Enter the type of separation effected: "DISCHARGED", "RELEASED FROM ACTIVE DUTY", "RETIRED", "RESIGNED", "COMMISSION REVOKED", or other as appropriate. Be specific, but do not enter the reason or character of separation.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submission and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552.
2. The application is timely because the three-year statute of limitations has been tolled while the applicant remained on active duty.⁵
3. The applicant alleged that the Coast Guard's refusal to count his time as a cadet at the Coast Guard Academy as creditable service toward his retirement is erroneous and unjust because he did not graduate and receive a commission from the Academy, he continued to serve as an enlisted member for many years, and he only recently became a chief warrant officer. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in the military record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.⁶ Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties "correctly, lawfully, and in good faith."⁷
4. The applicant argued that his time at the Academy should count toward his retirement because 14 U.S.C. § 467 states that "[i]n computing length of service of officers and enlisted personnel for any purpose all creditable service in the Army, Navy, Marine Corps, Air Force, Coast Guard, Revenue Cutter Service, and Life Saving Service shall be included in addition to any other creditable service authorized by any other law." But this statute requires that all *creditable* service be counted, and under 10 U.S.C. § 971(b), an officer's time as a cadet is not creditable for retirement purposes: "In computing length of service for any purpose, service as a cadet or midshipman

⁵ *Detweiler v. Pena*, 38 F.3d 591, 598 (D.C. Cir. 1994) (holding that, under § 205 of the Soldiers' and Sailors' Civil Relief Act of 1940, the BCMR's three-year limitations period under 10 U.S.C. § 1552(b) is tolled during a member's active duty service).

⁶ 33 C.F.R. § 52.24(b).

⁷ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

may not be *credited* to any of the following officers: ... (3) An officer of the Coast Guard.” (Emphasis added.) Under 10 U.S.C. § 101(b)(1), a chief warrant officer is an “officer of the Coast Guard” for the purposes of the statutes in Title 10, including § 971. Therefore, 14 U.S.C. § 467 does not require or allow the applicant’s time as a cadet to count as creditable service toward his retirement.

5. The applicant alleged that Congress could not have had warrant officers in mind when the law in 10 U.S.C. § 971(b)(3) was first enacted for the Army in the Act of August 24, 1912, because the rank of warrant officer was not established in the Army until 1918. However, the Naval Appropriation Act of March 4, 2013, included the same prohibition about counting mid-shipman time at the Naval Academy toward “the length of service of any officer in the Navy,”⁸ and the Navy has had warrant officers since the federal Navy was established in 1794.⁹ The Coast Guard’s predecessor, the Revenue Cutter Service, also had warrant officers,¹⁰ and the Coast Guard has had them since its establishment in January 1915.¹¹ Therefore, the Board is not persuaded that Congress did not intend for the prohibition to apply to chief warrant officers. Even if that were Congress’s intention at the time, Congress has had ample opportunity in the interim to amend 10 U.S.C. § 971 to exclude warrant officers from the prohibition but has not done so.

6. The applicant argued that including chief warrant officers as “officers” subject to the prohibition in 10 U.S.C. § 971 is contrary to the purpose of the statute as explained in the legislative history and so the Board should make an exception for him. He cited a decision of the Comptroller General, which explains that Congress was concerned about creating a significant disparity in the pay and the amount of service required to retire between Academy graduates and officers who receive direct commissions from civilian life.¹² And he claimed that the same concerns do not apply to chief warrant officers because they are appointed from the enlisted ranks. While less common, civilians may legally be appointed to chief warrant officer, however, as well as to higher ranks.¹³ And like an Academy graduate, the applicant was attending school at the government’s expense and he benefited from that education even though he did not receive a commission directly afterward.

7. Even if the applicant’s claims about the legislative history had been persuasive, however, it is current law that applies to his entitlements, and the Board finds no ambiguities in the statutes. The definitions in 10 U.S.C. § 101(b) apply throughout Title 10, including § 971. In accordance with those definitions, the phrase “officer of the Coast Guard” in § 971 means all commissioned and warrant officers, and chief warrant officers are commissioned officers.¹⁴ Therefore, like all other officers in the Coast Guard, chief warrant officers are ineligible to count

⁸ *United States v. Noce*, 268 U.S. 613, 614-15 (1925).

⁹ See John Reilly, “History of Warrant Officers in the US Navy,” available at: <https://www.history.navy.mil/research/library/online-reading-room/title-list-alphabetically/w/naval-traditions-names-of-rank/history-of-warrant-officers-in-the-us-navy.html> (last viewed on June 21, 2019).

¹⁰ Dave Cipra, ed., “A History of Sea Service Ranks & Titles,” U.S. Coast Guard, Commandant’s Bulletin 5-85, available at <https://media.defense.gov/2017/Jun/27/2001769135/-1/-1/0/CIPRAVESEASERVICERANKSARTICLE1985.PDF> (last viewed on June 21, 2019).

¹¹ *Id.*

¹² Comp. Gen. Decision B-53092 (May 10, 1946).

¹³ See e.g., Article 1.D.14.a. of COMDTINST M1000.3A, stating that civilians may be appointed as warrant officers in the specialty “bandmaster.”

¹⁴ 10 U.S.C. § 571(b).

time spent as a cadet at the Coast Guard Academy toward retirement because § 971(b)(3) prohibits it. The Board notes in this regard that § 971(b) distinguishes between the services on this point: The prohibition applies to all “officers” of the Coast Guard, the Navy, and the Marine Corps, but only to “commissioned officers” of the Army or Air Force, even though the Army (but not the Air Force) also has warrant officers. These distinctions suggest an express intent to include both warrant and commissioned officers of the Coast Guard, Navy, and Marine Corps in the prohibition. And Article 12.C.2.(4) of the Coast Guard Personnel Manual in effect in 2004 and Article 1.C.2.(4) of the current Military Separations Manual support this interpretation of § 971(b)(3), as they prohibit counting time spent as a cadet at service academies in computing the length of service for officers “for any reason” and “for any purpose,” respectively.

8. The applicant argued that 10 U.S.C. § 516(b) should apply, and that statute says that for enlisted members, “all service as a cadet or midshipman is counted as service under that enlistment or period of obligated service.” He noted that his time at the Academy counted as active service toward retirement until June 1, 2017, when he accepted an appointment as a chief warrant officer. Thus, while the applicant was still an enlisted member, the Coast Guard counted his time at the Coast Guard Academy as creditable active duty toward retirement in accordance with 10 U.S.C. § 516(b) and Article 12.C.2.(4) of the Personnel Manual. And including his time at the Academy as active duty in his application to the Warrant Officer Appointment Board was appropriate, since at the time, he was still an enlisted member of the Coast Guard. However, 10 U.S.C. § 971(a) states that “[t]he period of service under an enlistment ... while also performing service as a cadet ... may not be counted in computing, for any purpose, the length of service of an officer of an armed force.” This language shows that even though the applicant’s time at the Academy counted as service under his enlistment pursuant to § 516(b), it cannot count as service toward his retirement because he is now an officer.

9. Therefore, the Board finds that the applicant has not proven by a preponderance of the evidence that his time as a cadet at the Coast Guard Academy should count as creditable service toward his retirement as a chief warrant officer. His request to make that time count as creditable service toward his retirement as a chief warrant officer should be denied.

10. The DD 214 that was recently added to the applicant’s record to document his discharge from the Academy in 2004 contains several errors that should be corrected:

a. Block 12a shows the applicant’s date of entry on active duty as July 1, 2002, but he actually entered active duty by enlisting in the Coast Guard on January 19, 2000, and his service as a cadet was a continuation of that enlistment.¹⁵ Therefore, and in accordance with the DD 214 Manual, his active duty prior to his enrollment at the Academy should be documented on this DD 214 as part of his Net Active Service This Period, rather than Total Prior Active Service. Accordingly, Block 12a should be corrected to show that he entered active duty on January 19, 2000, and his Net Active Service This Period and Total Prior Active Service should be adjusted accordingly.

b. Block 18 of the DD 214 states that the applicant’s time as a cadet cannot count “for purposes of completion of enlistment or retirement”:

¹⁵ 10 U.S.C. § 516(b).

PERIOD SERVED BETWEEN BLOCKS 12A AND 12B INCLUDES CADET SERVICE WHICH IS NOT CONSIDERED ACTIVE SERVICE FOR PURPOSES OF COMPLETION OF ENLISTMENT OR RETIREMENT, BUT IS CONSIDERED ACTIVE SERVICE FOR BENEFITS AS DETERMINED BY THE VETERAN'S ADMINISTRATION PURSUANT TO TITLE 38 U.S. CODE (EXCEPT FOR VETERAN'S EDUCATION ASSISTANCE).

This remark is erroneous because under 10 U.S.C. § 516(b), the applicant's time as a cadet did count toward his completion of his enlistment. The remark is also erroneous because the DD 214 should have been issued on January 9, 2004, when the applicant was still an enlisted member and 10 U.S.C. § 971 did not yet apply to him, but the remark indicates that it does. To correct the remark in Block 18, the Coast Guard recommended that it be amended to state the following:

PERIOD SERVED BETWEEN BLOCKS 12A AND 12B INCLUDES CADET SERVICE WHICH IS NOT CONSIDERED ACTIVE SERVICE FOR PURPOSES OF RETIREMENT (IF AN OFFICER) BUT IS CONSIDERED ACTIVE SERVICE FOR COMPLETION OF ENLISTMENT AND BENEFITS AS DETERMINED BY THE VETERAN'S ADMINISTRATION PURSUANT TO TITLE 38, U.S. CODE (EXCEPT FOR VETERAN'S EDUCATION ASSISTANCE).

This remark recommended by the Coast Guard is correct under the law, but the applicant's service as a cadet is not creditable for *any* purpose as an officer¹⁶—not just retirement—and the period served between Blocks 12a and 12b must include the applicant's active duty before he became a cadet because his enlistment actually ran from January 19, 2000, to January 9, 2004. Therefore, the Board finds that the erroneous remark in Block 18 should be replaced with the following remark:

PERIOD OF ENLISTMENT BETWEEN BLOCKS 12A AND 12B INCLUDES 1 YEAR, 6 MONTHS, AND 9 DAYS OF CADET SERVICE FROM 02 07 01 TO 04 01 09, WHICH IS NOT CONSIDERED CREDITABLE SERVICE FOR AN OFFICER BUT IS CONSIDERED ACTIVE SERVICE UNDER THE ENLISTMENT AND FOR BENEFITS AS DETERMINED BY THE VETERAN'S ADMINISTRATION PURSUANT TO TITLE 38, U.S. CODE (EXCEPT FOR VETERAN'S EDUCATION ASSISTANCE).

c. Block 23 of the applicant's DD 214 shows the type of separation as "discharge," but the applicant was actually released into the Reserve because he had an ongoing Reserve service obligation. His record shows that immediately upon his separation from the Academy on January 9, 2004, he re-entered the Reserve on January 10, 2004. Therefore, in accordance with the instructions in the DD 214 Manual, Block 23 should be corrected to state that he was released from active duty.

11. Accordingly, the applicant's request should be denied but his DD 214 dated January 9, 2004, should be corrected to cover his first enlistment with the following information:

¹⁶ 10 U.S.C. § 971(b).

- a. Block 12a should show that the applicant entered active duty on January 19, 2000, and his Net Active Service in Block 12c and his Total Prior Active Service in Block 12d should be adjusted accordingly.
- b. Block 18 should be corrected by replacing the contested remark as described in finding 10 above.
- c. Block 23 should show that he was released from active duty, instead of discharged.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of CWO [REDACTED], USCG, for correction of his military record is denied, but alternative relief is granted. The Coast Guard shall correct his DD 214 dated January 9, 2004, and his other military records to reflect the following:

- Block 12a of the DD 214 shall show that he entered active duty on January 9, 2000, and his Net Active Service in Block 12c and his Total Prior Active Service in Block 12d shall be adjusted accordingly.
- Block 18 of the DD 214 shall be corrected by removing the remark numbered (1) below and replacing it with the remark numbered (2) below:
 - (1) PERIOD SERVED BETWEEN BLOCKS 12A AND 12B INCLUDES CADET SERVICE WHICH IS NOT CONSIDERED ACTIVE SERVICE FOR PURPOSES OF COMPLETION OF ENLISTMENT OR RETIREMENT, BUT IS CONSIDERED ACTIVE SERVICE FOR BENEFITS AS DETERMINED BY THE VETERAN'S ADMINISTRATION PURSUANT TO TITLE 38 U.S. CODE (EXCEPT FOR VETERAN'S EDUCATION ASSISTANCE).
 - (2) PERIOD OF ENLISTMENT BETWEEN BLOCKS 12A AND 12B INCLUDES 1 YEAR, 6 MONTHS, AND 9 DAYS OF CADET SERVICE FROM 02 07 01 TO 04 01 09, WHICH IS NOT CONSIDERED CREDITABLE SERVICE FOR AN OFFICER BUT IS CONSIDERED ACTIVE SERVICE UNDER THE ENLISTMENT AND FOR BENEFITS AS DETERMINED BY THE VETERAN'S ADMINISTRATION PURSUANT TO TITLE 38, U.S. CODE (EXCEPT FOR VETERAN'S EDUCATION ASSISTANCE).
- Block 23 of the DD 214 shall show that he was released from active duty, instead of discharged.

No other relief is granted.

July 19, 2019

