

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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2021-030**

  
LTJG (former)

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**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 February 16, 2021, and assigned the case to the Deputy Chair to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated October 1, 2021, 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 former Lieutenant Junior Grade (LTJG/O2) who was honorably discharged, asked the Board to correct Block 12.a. of his DD-214 to show that he entered active duty on June 29, 2009, when he became a cadet at the Coast Guard Academy. He also asked the Board to correct Block 12.c. of his DD-214 to include the four years he served as a cadet in the calculation of his net active service.

**SUMMARY OF THE RECORD**

The applicant was appointed as a cadet in the Coast Guard Academy on June 29, 2009. On May 22, 2013, he graduated from the Coast Guard Academy and was commissioned as an ensign.

The applicant was honorably discharged on June 30, 2018. Block 12.a. of the applicant's DD-214 shows that he entered active duty on May 22, 2013. Block 12.c. of his DD-214 shows that he completed five years, one month, and nine days of net active service. Finally, Block 15.a. of his DD-214 shows that he was commissioned through the service academy.

## VIEWS OF THE COAST GUARD

On June 21, 2021, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC argued that the applicant failed to show that the Coast Guard committed an error or injustice. PSC stated that according to both the Certificate of Release or Discharge from Active Duty Manual and the Military Separations Manual, attendance at a service academy as a cadet is not creditable for a member commissioned as an officer. As such, PSC argued that the applicant's date of entry to active duty and net active service should not be changed to reflect his time in the Coast Guard Academy. Instead, PSC stated that Block 15.a. is the only location on a DD-214 that is allowed to capture a commissioned officer's time in a service academy. In this case, Block 15.a. of the applicant's DD-214 already shows that he was commissioned through the service academy.

## APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On June 23, 2021, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty days. No response was received.

## APPLICABLE LAW AND POLICY

Title 10 U.S.C. § 971, titled "Service credit: officers may not count service performed while serving as cadet or midshipman," states the following:

- (a) Prohibition on counting enlisted service performed while at service academy or in Navy Reserve. —The period of service under an enlistment or period of obligated service while also performing service as a cadet or midshipman or serving as a midshipman in the Navy Reserve may not be counted in computing, for any purpose, the length of service of an officer of an armed force or an officer in the Commissioned Corps of the Public Health Service.
- (b) Prohibition on Counting Service as a Cadet or Midshipman. —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.
- (c) Service as a cadet or midshipman defined. —In this section, the term "service as a cadet or midshipman" means—
  - (1) service as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; or
  - (2) service as a midshipman at the United States Naval Academy."

Article 2.o. of the Certificate of Release or Discharge from Active Duty Manual, CGPSCINST 1900.1A, discusses how to complete Block 12.a. (date entered active duty this period) as follows:

In accordance with reference (a), the date entered in Block 12a. shall be the date the member entered active duty for the earliest period of continuous active service for which a DD-214 was not previously issued. Do not combine DD-214s. For reserve members serving on multiple sets of back to back active duty orders, use the earliest orders date with no break in active duty. Combining multiple order types with no break in active duty is authorized.

\*\*Note: In accordance with reference (h), service while attending a Service Academy as a cadet is creditable for enlisted members being reverted back to enlisted status, but in no case is it creditable for a member commissioned as an officer. For Commissioned Officers with no prior service, the date will normally be the date the member signed their initial oath of office upon graduation from the Coast Guard Academy.

Article 2.q. of the manual discusses how to complete Block 12.c. (net active service this period) as follows:

Enter the years, months, and days of active service from the date entered in Block 12a. through the date in Block 12b. In accordance with reference (d), Creditable Service affects a members pay and should be computed on a 30 day basis, with the exception of active duty for training and/or other active duty periods of less than 30 consecutive days, which is always computed day-for-day, and the 31st day of the month is counted. Deduct all periods of lost time.

\*\*Note: In accordance with reference (h), service while attending a Service Academy as a cadet is creditable for enlisted members being reverted back to enlisted status, but in no case is it creditable for a member commissioned as an officer.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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 it was filed within three years of the applicant's discovery of the alleged error or injustice in the record, as required by 10 U.S.C. § 1552(b).
3. The applicant alleged that the date he entered active duty and his net active service on his DD-214 are erroneous and unjust. 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.<sup>1</sup> 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."<sup>2</sup>
4. The applicant argued that his time spent as a cadet at the Coast Guard Academy was not properly accounted for on his DD-214. The Board disagrees. According to 10 U.S.C. § 971, a former U.S. military officer's DD-214 cannot reflect his time at a military service academy. The applicant argued that Block 12.a., which indicates the date he entered active duty,

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<sup>1</sup> 33 C.F.R. § 52.24(b).

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

should reflect the date he began at the Coast Guard Academy on June 29, 2009. However, according to Article 2.o. of the Certificate of Release or Discharge from Active Duty Manual, the date a commissioned officer enters active duty is the date the officer signed his initial oath of office upon graduating from the Coast Guard Academy. In this case, Block 12.a. of the applicant's DD-214 properly shows May 22, 2013, which is the date he was commissioned as an ensign upon graduating from the Coast Guard Academy. The applicant also argued that Block 12.c., which indicates his net active service, should include his four years as a cadet. However, according to Article 2.q. of the manual, a member's net active service should be calculated from the date he entered active duty in Block 12.a. to the date of his discharge, which is in Block 12.b. In this case, Block 12.c. of the applicant's DD-214 properly reflects his net active service from the date he entered active duty on May 22, 2013, to the date he was discharged on June 30, 2018. Finally, as noted by PSC, Block 15.a. is the only location on a DD-214 that is allowed to capture a commissioned officer's time in the academy. In this case, Block 15.a. of the applicant's DD-214 already properly indicates that he was commissioned through the service academy. Therefore, the applicant has not shown by a preponderance of the evidence that the Coast Guard committed an error in issuing his DD-214.

5. Accordingly, the applicant's request to amend the date he entered active duty and his net active service on his DD-214 should be denied.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

**ORDER**

The application of former LTJG [REDACTED] [REDACTED] USCG, for correction of his military record is denied.

October 1, 2021

[REDACTED] [REDACTED] Digitally signed by [REDACTED]  
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[REDACTED] [REDACTED] Digitally signed by [REDACTED]  
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\*The member concurred in the decision but was unavailable to sign. Pursuant to 33 C.F.R. 52.11(b), two members constitute a quorum.