

**DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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Application for Correction  
of Coast Guard Record of:

BCMR Docket  
No. 1998-005

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**FINAL DECISION**

██████████, Chairman:

This proceeding was conducted according to the provisions of section 1552 of title 10, United States Code. It was commenced on October 7, 1997, upon the Board's receipt of the applicant's application.

This is the final decision in this case, dated January 14, 1999. It is signed by the three duly appointed members who were designated to serve as the Board in this case.

**REQUEST FOR RELIEF**

The applicant, who is a former seaman recruit (SR; pay grade E-1), asked the Board to change his date of birth, as set forth on his Coast Guard discharge documents, including his discharge certificate (DD Form 214). The applicant entered the active-duty Coast Guard on July 12, 1955, and was honorably discharged on November 6, 1956.

His alleged date of birth, according to the DD Form 214, was ██████████

His alleged date of birth, according to his certified birth certificate, was ██████████  
██████████

**SUMMARY OF RECORD**

The applicant submitted a photostatic copy of his original birth certificate which was registered in the Vital Statistics Division of the Department of Health of the State of ██████████. According to the birth certificate, he was born on ██████████ at 11:59 PM.

The applicant also submitted several positive and photostatic copies of his DD Form 214 and of another discharge form containing vital statistics including a finger print and a descriptive list signed by the same personnel officer. These Coast Guard

forms stated that the applicant was born on [REDACTED]

### VIEWS OF THE COAST GUARD

The Board did not ask the Coast Guard to submit an advisory opinion on this application.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions of the applicant and applicable law:

1. The Board has jurisdiction to determine the issues in this proceeding under § 1552 of title 10, United States Code.

2. The application was not submitted timely. Under 10 U.S.C. § 1552(b), the applicant's application for correction was due three years after the date of his discharge from the Coast Guard. The applicant in this case did not submit his application, until about 42 years after his November 6, 1956 discharge from the Coast Guard.

3. Lack of timeliness can be waived in the interest of justice if a cursory examination indicates that the applicant has a potential for success on the merits. "The BCMR should consider the reasons for the delay and the plaintiffs' potential for success on the merits, based on a cursory review, as factors in the interest of justice analysis." *Allen v. Card*, 799 F. Supp. 158, 166 (DDC 1992).

4. The delay appears to have been caused by the fact that the applicant did not need his discharge documents until 1997. His potential for success, based on cursory review, is high, for the reasons stated below.

5. The applicant submitted a certified birth certificate from the Department of Health of [REDACTED]. It showed that he was born on the date alleged in his application as his date of birth, rather than on the unsubstantiated Coast Guard date.

6. The applicant alleged that his date of birth was set forth incorrectly on his discharge document, DD Form 214, and on another discharge document. His date of birth, according to these discharge documents, was [REDACTED].

7. The applicant is entitled to relief because the Coast Guard committed an error with respect to his date of birth on his DD Form 214 and other discharge documents.

8. A new DD Form 214 with the correct date of birth should be issued to the applicant.

**ORDER**

The application to correct the military record of former  
USCG, is granted. His military record, including his DD Form  
214, shall be corrected to show [REDACTED] as his date of birth.

A corrected copy of a DD Form 214 and any other pertinent discharge  
documents shall forthwith be transmitted to the applicant.

