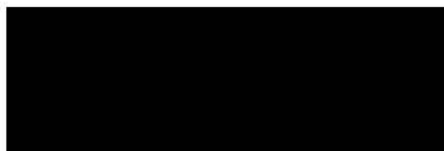


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2012-220



FINAL DECISION

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the completed application on August 31, 2012, and assigned it to staff member [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated June 14, 2013, 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, who is currently a major in the Army Reserve, asked the Board to correct her Coast Guard Reserve discharge form DD 214 dated March 28, 2011, to reflect the accurate amount of her creditable service. The applicant explained that she has served in various branches of the military with no break in service for more than 18 years since May 21, 1994, and recently consulted an Army Transition Office to ensure that she was being credited with all of the time she has served for retirement purposes. That office brought to her attention errors in the amount of creditable time shown on the DD 214. In support of her allegations, the applicant submitted copies of her military records and of an email from an Army Transition Specialist, which show that she

- enlisted in the Army Reserve on May 21, 1994;
- served on continuous active duty in the Army Reserve for 4 years and 5 days from June 9, 1994, through June 13, 1998;
- continued serving in the Army Reserve on inactive duty from June 14 through September 13, 1998;
- served in the Army National Guard from September 14, 1998, through January 20, 2005, during which time she served three short periods of active duty totaling 56 (or 57) days;
- was credited with 13 years, 3 months, and 28 days of service for pay and retirement purposes upon leaving the Guard on January 20, 2005;

- enlisted in the Coast Guard Reserve on January 21, 2005; and
- served 12 short stints of active duty totaling 116 days (or 117 days according to her Retirement Points Statement) through March 28, 2011; when she was discharged so that she could join the Army Reserve again.

Block 12 of the applicant's Coast Guard DD 214 dated March 28, 2011, erroneously documents her service as follows:

12. Record of Service		Year(s)	Month(s)	Day(s)
a.	Date Entered Active Duty This Period	0000	00	00
b.	Separation Date This Period	2011	03	28
c.	Net Active Service This Period	00	03	27
d.	Total Prior Active Service	04	02	01
e.	Total Prior Inactive Service	10	08	00

Block 18 of this DD 214 contains the following note: “*Member entered USCG Selective Reserves on 21 JAN 2005 and discharged on 28 MAR 2011. Time reflected in block 12c is the total amount of active duty time served for the USCG Selective Reserves.”

The Army Transition Specialist advised the applicant that he thinks the DD 214 is inaccurate in the following regards:

- Block 12.a. of the DD 214 should show January 21, 2005, as her date of entry on active duty, instead of showing only zeroes;
- Block 12.c. shows 3 months and 27 days of active service between January 21, 2005, and March 28, 2011, whereas her Statement of Creditable Service (SOCS) shows 116 days of active duty during that period, and her Retirement Points Statement shows 117 days;
- Block 12.d. shows only 4 years, 2 months, and 1 day of prior active duty, which may be accurate; and
- Block 12.e. should show at least 12 years and 5 months of inactive time, instead of only 10 months and 8 years.

VIEWS OF THE COAST GUARD

On February 14, 2013, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion in which he adopted the findings, analysis, and recommendation for relief in a memorandum on the case prepared by the Personnel Service Center (PSC).

PSC stated that the DD 214 should not have been issued to the applicant upon her discharge from the Reserve on March 28, 2011, because she did not perform any period of active duty of 90 days or longer. PSC stated that under the manual for preparing DD 214s, COMDTINST M1900.4D, DD 214s are not issued to reservists unless they complete at least 90 days of continuous active duty, and so reservists are not normally issued DD 214s upon completing their inactive duty obligation. However, PSC stated, since the Coast Guard did in fact issue her a DD 214 when she transferred to the Army Reserve, it should be corrected insofar as possible by changing the date in block 12.a. to January 21, 2005, and by correcting the amount

of Total Prior Inactive Service in block 12.e. to 12 years, 4 months, and 9 days. PSC did not recommend making any changes to blocks 12.c. or .d. and did not address their accuracy.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 18, 2013, the applicant responded to the views of the Coast Guard. She forwarded an email from the PSC officer who prepared the memorandum for the Coast Guard's advisory opinion. This officer agreed with the applicant that her recommendation for the amount of Total Prior Inactive Service in block 12.e. was erroneous because she included the applicant's inactive service during the period from January 21, 2005, through March 28, 2011, as *prior* inactive service, whereas only inactive service performed prior to the date in block 12.a. should be included in block 12.e. The PSC officer and the applicant agreed that block 12.e. should show only 6 years, 5 months, and 26 days of Total Prior Inactive Service, as shown below:

12. Record of Service		Year(s)	Month(s)	Day(s)
a.	Date Entered Active Duty This Period	2005	01	21
b.	Separation Date This Period	2011	03	28
c.	Net Active Service This Period	00	03	27
d.	Total Prior Active Service	04	02	01
e.	Total Prior Inactive Service	06	05	26

APPLICABLE REGULATIONS

Under Chapter 1.B.10. of the manual for preparing DD 214s, COMDTINST M1900.4D, DD 214s are not normally prepared for reservists unless they are being released from active duty for a period of at least 90 days. Chapter 1.E. provides the following instructions for completing block 12:

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). ...

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. This computation will include all periods of active duty training performed in any branch of the Armed Forces. If active duty training is included, put an asterisk (*) and enter in block 18 (Remarks) "Includes active duty training." The correct procedure for computing active duty training is as follows: Periods of active duty training for 30 days or more, use inclusive dates. For periods of less than 30 days, the computation is day for day, including the 31st day of a given month. For USCGR-RK trainees, enter duration of first phase of initial active duty training with an asterisk (*) and enter in block 18 (Remarks) "Includes first phase of Initial Active Duty Training from _____ to _____."

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. Active Duty Training computation must be subtracted from the total prior inactive service computation, since the ADT computation is cited as part of block 12d.

Chapter 1.D.a. states that on a DD 214, “[a]ll entries, unless specified otherwise (i.e., blocks 7a, 7b), are for the current period of active duty only from date of entry as shown in block 12a through the date of separation as shown in block 12b. (Note exception, block 13 [for medals and awards]).”

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 submissions, and applicable law:

1. The Board has jurisdiction over this matter pursuant to 10 U.S.C. § 1552. The application was timely because it was filed within three years of the applicant’s discovery of the alleged error.¹

2. The Board agrees with the Coast Guard that in accordance with Chapter 1.B.10. of COMDTINST M1900.4D, the applicant was not entitled to a DD 214 to document her separation from the Coast Guard Reserve because she had not been serving on extended active duty of any sort. However, she received one, which may be useful to her, and it contains errors. Therefore, the Board agrees with the Coast Guard that it should be corrected, to the extent possible, to accurately reflect her military service and comport with regulations.

3. The Coast Guard recommended correcting block 12.a. of the DD 214, which currently contains only zeroes, to contain the date January 21, 2005, which is the day she entered inactive duty in the Selected Reserve, rather than active duty. The Board agrees with this correction except that, to a casual observer, it makes the DD 214 appear to document more than 6 years of active duty. Therefore, the Board finds that the date should bear an asterisk to refer the reader to the comment that already appears in block 18, which explains that she entered the Selected Reserve on that date. (The Board notes that asterisks are permitted in block 12 of a DD 214 pursuant to Chapter 1.E. of COMDTINST M1900.4D.)

4. Block 12.c. of the DD 214 shows that between January 21, 2005, and March 28, 2011, the applicant performed just 3 months and 27 days of active duty, instead of the 6 years, 2 months, and 8 days one would expect to find in block 12.c. for a member on active duty. There is an explanatory remark with an asterisk in block 18, but no asterisk in block 12.c. to refer the reader there. Therefore, the Board finds that an asterisk should be added to the time in block 12.c., as well, to refer the reader to the explanatory remark.

5. Under Chapter 1.E. of COMDTINST M1900.4D, block 12.d. of the DD 214 is supposed to show all of the active duty the applicant performed prior to the date in block 12.a., which will be January 21, 2005. Currently, block 12.d. contains 4 years, 2 months, and 1 day of prior active service, which is accurate according to an old Statement of Creditable Service prepared in 2010. However, the applicant’s Retirement Point Statement and a Statement of Creditable Service prepared in December 2012 show 1 additional day of active duty not reflected

¹ 10 U.S.C. § 1552(b); 33 C.F.R. § 52.22.

in block 12.d. The latest Statement of Creditable Service shows that the applicant had 4 years, 2 months, and 2 days (rather than 1 day) of prior active service, calculated as follows:

	04	00	05	(years, months, and days of active duty in Army Reserve)
		+	22	(days of active duty training in the Guard)
		+	13	(days of active duty training in the Guard)
		+	01	(day of active duty training in the Guard)
		+	21	(days of active duty training in the Guard)
	<u>04</u>	<u>00</u>	<u>62</u>	(total prior active duty)
=	04	02	02	(years, months, and days of prior active duty)

Although neither the applicant nor the Coast Guard contested the entry in block 12.d., it is clearly incorrect based upon her most recent Statement of Creditable Service. Therefore and since correction would be in her favor,² the Board will correct block 12.d. of the DD 214 to show 4 years, 2 months, and 2 days of prior active service.

6. Under Chapter 1.E. of COMDTINST M1900.4D, block 12.e. of the DD 214 is supposed to show all of the inactive service the applicant performed prior to the date in block 12.a., which will be January 21, 2005. Currently, block 12.e. shows 10 years and 8 months of prior inactive service. The applicant’s prior inactive service in the Army Reserve and Army National Guard can be calculated as follows:

Date of separation		2005	01	20 (January 20, 2005)
<u>Minus date of first entry</u>	-	1994	05	<u>21</u> (May 21, 1994)
	=	10	07	29 (10 years, 7 months, 29 days)
<u>Plus one “inclusive day”</u>	+			<u>01</u> (addition of one day required by regulation)
Total	=	10	08	00 (total time in Army Reserve and National Guard)
<u>Minus all active duty</u>	-	04	02	<u>02</u> (4 years, 2 months, and 2 days of active duty)
Total inactive service	=	06	05	28

The applicant and the Coast Guard alleged that block 12.e. should show 6 years, 5 months, and 26 days of prior inactive service, but that would only be correct if the applicant had had a break in service or unauthorized absence (“time lost”) for two days. Her military records show no break in service or unauthorized absence. Therefore, block 12.e. should be corrected to show 6 years, 5 months, and 28 days of prior inactive service.

7. Accordingly, the Board finds that the applicant has proven by a preponderance of the evidence that block 12 of her DD 214 dated March 28, 2011, contains erroneous entries. They should be corrected as described above.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

² See *Friedman v. United States*, 141 Ct. Cl. 239, 252-53 (1958) (holding that “[t]he Correction Boards were established for the purpose only of reviewing, on application of a member of the military personnel, a military record to correct errors or injustices *against* such personnel and not to review and reverse decisions of other established boards *favorable* to such personnel).

ORDER

The application of former [REDACTED] currently a major in the Army Reserve, for correction of her Coast Guard military record is granted. Block 12 of her DD 214 dated March 28, 2011, shall be corrected as follows:

- The date in block 12.a. shall be corrected to show January 21, 2005, with an asterisk, as in “2005 01 21*”.
- The entry in block 12.c. shall be corrected to include an asterisk, as in “00 03 27*”.
- The entry in block 12.d. shall be corrected to show 04 years, 02 months, and 02 days (“04 02 02”) of prior active service.
- The entry in block 12.e. shall be corrected to show 06 years, 05 months, and 28 days (“06 05 28”) of prior inactive service.

