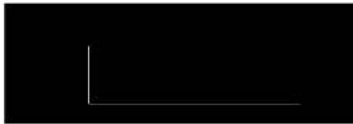


**DEPARTMENT OF HOMELAND SECURITY  
BOARD FOR CORRECTION OF MILITARY RECORDS**

---

Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2013-096**



---

**FINAL DECISION**

This is a proceeding under 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 applicant's completed application on April 11, 2013, 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 January 23, 2014, 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 asked the Board to correct the pay grade and separation date shown on her DD 214. Although she received an RE-1 reentry code, making her eligible to reenlist, she asked the board to change "the code that means not able to enter the CG." She stated that she noticed the error in 2004 and believes that the separation date on her DD 214 should be in August 2004 instead of December 7, 2001. She is requesting the correction now because she wants to "stand for what is right." The applicant stated that she left the Coast Guard to join the Army, and she believes that her decision upset her command and caused these errors in her record. In support of these allegations, the applicant submitted the following documents:

- A certificate shows that the applicant advanced from seaman to storekeeper third class (E-4; SK3) on June 6, 2002.
- An annual Reserve points statement shows that she performed Initial Active Duty Training from her Reserve enlistment on August 21, 2001, through December 6, 2001, and thereafter drilled and performed annual training regularly in the Coast Guard Reserve through August 20, 2002.
- Another annual Reserve points statement shows that she did not drill from August 21, 2003, through August 20, 2004, and so earned only the minimum 15 membership points that year.

### **SUMMARY OF THE RECORD**

The applicant's military record shows that she enlisted in the Reserve and began boot camp on August 21, 2001. After boot camp, she attended "A" School to become a storekeeper. She was released from active duty when her "A" School ended on December 7, 2001, and received a DD 214 documenting that period of active duty from August 21 to December 7, 2001. The pay grade and rate shown on the DD 214 are E-3 and SNSK, denoting an E-3 who has earned the storekeeper designation but does not yet have sufficient time in service to advance to SK3/E-4. The DD 214 reflects an honorable discharge upon "completion of required active service"—also denoted by an MBK separation code—and a reentry code of RE-1 (eligible to reenlist).

The applicant drilled regularly and performed annual training in 2002. However, in March 2003, she advised the Coast Guard that she intended to enlist on active duty in the Air Force. On March 18, 2003, the Coast Guard transferred her to the Individual Ready Reserve pending her enlistment in the other service. The Coast Guard's database shows, however, that she was not released from the Coast Guard Reserve until May 12, 2006. The database shows a conditional release for the convenience of the Government based upon her pending enlistment in another service. It also shows that she was assigned an RE-1 code and is eligible for reenlistment.

### **VIEWS OF THE COAST GUARD**

On July 18, 2013, the Judge Advocate General (JAG) of the Coast Guard recommended that the Board deny relief in this case. In so doing, he adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC stated that the application is untimely and should be denied. PSC stated that the applicant received an accurate DD 214 when she graduated from "A" School and so was released from active duty. PSC stated that in accordance with the DD 214 Manual, COMDTINST M1900.4D, no DD 214 was issued upon her discharge from the Reserve in 2006. PSC noted that the applicant was assigned an RE-1 reentry code and that there is no code in her record that would prevent her from reenlisting in the Coast Guard. PSC sent the applicant an Honorable Discharge Certificate documenting her discharge from the Reserve in May 2006 and recommended that no other relief be granted.

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

On July 24, 2013, the Chair sent the applicant a copy of the views of the Coast Guard and invited her to submit a response within 30 days. No response was received.

### **APPLICABLE REGULATIONS**

Chapter 1.E. of COMDTINST M1900.4D, the manual for preparing DD 214s, states that for enlisted members, blocks 4.a. and 4.b. of a DD 214 should show their rate and pay grade on the day they are separated from active duty.

Chapter 1.B. of COMDTINST M1900.4D states, “The DD Form 214 will NOT be issued to members: ... 10. Who are reservists released from continuous active duty for training (ADT) less than 90 days.”

### 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 concerning this matter pursuant to 10 U.S.C. § 1552.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error in his or her record.<sup>1</sup> The application in this case is untimely as it was filed more than three years after the applicant discovered the alleged error.
3. Under 10 U.S.C. § 1552(b), the Board may excuse the untimeliness of an application if it is in the interest of justice to do so. In *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992), the court stated that to determine whether the interest of justice supports a waiver of the statute of limitations, the Board “should analyze both the reasons for the delay and the potential merits of the claim based on a cursory review.” The court further instructed that “the longer the delay has been and the weaker the reasons are for the delay, the more compelling the merits would need to be to justify a full review.”<sup>2</sup>
4. The applicant admitted that she noticed the alleged error a long time ago but wants it corrected now as she wants to “stand for what is right.” The Board finds that the applicant’s explanation is not compelling as a justification for her delay.
5. The Board’s cursory review of the merits of this case shows that it lacks merit. The applicant’s DD 214 documents her initial active duty for training from August 21 through December 7, 2001, and was issued upon her release from active duty on that date. Therefore, her DD 214 properly shows, in accordance with Chapter 1.E. of COMDTINST M1900.4D, that her rate and pay grade on December 7, 2001, were SNSK and E-3. This rate and pay grade are correct on the DD 214 because she had earned the storekeeper designation in “A” School but did not yet have enough time in grade to advance to E-4. She advanced to E-4 on June 6, 2002, six months after she graduated from “A” School and was issued the DD 214.
6. DD 214s are issued when reservists leave active duty if they have served on active duty for a period of more than 90 days.<sup>3</sup> DD 214s are intended to document that particular period of active duty and are not reissued or updated later to reflect subsequent events, such as new qualifications, awards, advancements, or demotions. The applicant’s DD 214 is presump-

---

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

<sup>2</sup> *Allen v. Card*, 799 F. Supp. 158, 164-65 (D.D.C. 1992); see also *Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

<sup>3</sup> COMDTINST M1900.4D, Chapter 1.B.10.

tively correct,<sup>4</sup> and she has not submitted evidence that overcomes the presumption. In addition, her record properly shows that she is eligible to reenlist with an RE-1 reentry code. Therefore, the Board finds that her claims cannot prevail on the merits.

7. Accordingly, the Board will not excuse the application's untimeliness or waive the statute of limitations. The applicant's request should be denied.

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

---

<sup>4</sup> 33 C.F.R. § 52.24(b).

**ORDER**

The application of former [REDACTED] [REDACTED] USCGR, for correction of her military record is denied.

January 23, 2014

