

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2013-162



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 14, 2013, and prepared the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated April 25, 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, ALLEGATIONS, AND EVIDENCE

The applicant asked the Board to correct the amount of prior active duty shown in block 12.d. of his DD 214 dated May 31, 2004, to show that he had performed 13 years, 4 months, and 10 days of prior active duty. He stated that because the DD 214 currently shows only 4 years and 23 days of prior active duty, he has not been properly credited with all of the active duty he actually performed. He explained that he discovered the error on March 15, 2012, when the issue was raised during the determination of his wife's entitlements during their divorce proceedings.

In support of his allegations, the applicant submitted three DD 214s that document his service. The first shows exactly 4 years of active duty in the Coast Guard from November 4, 1968, to November 3, 1972, when the applicant was released into the Reserve. The second shows active duty from July 7, 1981, through October 24, 1990, and the applicant's prior 4 years of prior active duty and 23 days of prior active duty for training in block 12.d. as shown below:

12. Record of Service	Years(s)	Month(s)	Day(s)
a. Date Entered [Active Duty] This Period	1981	07	07
b. Separation Date This Period	1990	10	24
c. Net Active Service This Period	09	03	17
d. Total Prior Active Service	04	00	23
e. Total Prior Inactive Service	01	11	07

The applicant's third and final DD 214 shows the following entries:

12. Record of Service	Years(s)	Month(s)	Day(s)
a. Date Entered [Active Duty] This Period	1990	10	25
b. Separation Date This Period	2004	05	31
c. Net Active Service This Period	13	07	06
d. Total Prior Active Service	04	00	23
e. Total Prior Inactive Service	01	11	07

VIEWS OF THE COAST GUARD

On February 24, 2014, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion in which he recommended that the Board grant relief in this case. In making this recommendation, the JAG adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC stated that according to its calculations, block 12.d. of the applicant's DD 214 should show 13 years, 4 months, and 11 days of prior active service, instead of 4 years and 23 days, and block 12.e. should show 1 year, 11 months, and 8 days of prior inactive service, instead of 1 year, 11 months, and 7 days. In support of these claims, PSC submitted a copy of the applicant's Statement of Creditable Service (SOCS) issued on October 2, 1992, which documents his active and inactive service up to that date as follows:

Branch	Start Date (y/m/d)	End Date (y/m/d)	Time (y/m/d)	Service Type
USCG	1968 11 04	1972 11 03	04 00 00	active duty
USCGR	1972 11 04	1973 08 12	00 09 09	inactive
USCGR	1973 08 13	1973 08 24	00 00 12	active duty
USCGR	1973 08 25	1974 05 26	00 09 02	inactive
USCGR	1974 05 27	1974 06 07	00 00 11	active duty
USCGR	1974 06 08	1974 11 03	00 04 26	inactive
(not a member of USCG or USCGR from 11/04/1974 through 07/06/1981)				
USCG	1981 07 07	Present	11 02 24	active duty

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On February 26, 2014, the Chair sent the applicant a copy of the views of the Coast Guard and invited him to respond. No response was received.

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. The application was timely filed within 3 years of the applicant's discover of the error.¹

¹ 10 U.S.C. § 1552(b).

2. The applicant alleged that the amount of prior active service shown in block 12.d. of his final DD 214 is erroneous. 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 his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.² 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."³

3. The applicant's record shows that he enlisted on November 4, 1968, for 4 years of active duty with a 6-year total military service obligation. According to the SOCS, the applicant performed exactly 4 years of active duty from November 4, 1968, to November 3, 1972, and 23 days of active duty as a reservist before his MSO ended on November 3, 1974. His SOCS also shows a total 1 year, 11 months, and 7 days of inactive service as shown below:

Branch	Start Date (y/m/d)	End Date (y/m/d)	Time (y/m/d)	Service Type
USCGR	1972 11 04	1973 08 12	00 09 09	inactive
USCGR	1973 08 25	1974 05 26	00 09 02	inactive
USCGR	1974 06 08	1974 11 03	00 04 26	inactive
Total			00 22 37	
Adjusted total (30-day months and 12-month years)			01 11 07	

As 4 years and 23 days of active duty plus 1 year, 11 months, and 7 days of inactive duty add up to a complete 6-year MSO, the Board finds that block 12.e. of the applicant's final DD 214 is correct and does not need to be corrected to show 1 year, 11 months, and 8 days of inactive service, as the Coast Guard alleged.

4. The applicant's second period of active duty from July 7, 1981, through his discharge on October 24, 1990, however, should be calculated as follows because PPCINST M1000.2B requires the addition of one "inclusive day" when subtracting dates to determine periods of duty:⁴

Date of separation	1990 10 24
Date of enlistment	<u>— 1981 07 07</u>
	09 03 17
"Inclusive day"	<u>+ 01</u>
Total	09 03 18

Therefore, the applicant's second DD 214 is erroneous in that it shows only 9 years, 3 months, and 17 days of service, when in fact, the yeoman should have added in an "inclusive day." The total of 9 years, 3 months, and 18 days can be verified by adding it to the applicant's subsequent

² 33 C.F.R. § 52.24(b).

³ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

⁴ See U.S. Coast Guard, PPCINST M1000.2B, Personnel and Pay Procedures Manual, App. C (Oct. 2012) (hereinafter PPCINST M1000.2B) (instructions for calculating creditable time in service for pay purposes by subtracting the date of enlistment from the date of separation and adding one "inclusive day").

13 years, 7 months, and 6 days of active duty shown on his third DD 214, which totals 22 years, 10 months, and 24 days of active duty:

	09 y	03 m	18 d
	+ 13	07	06
Total	22	10	24

This is the same result one receives when calculating the applicant’s continuous second and third enlistments by subtracting dates as follows:

Date of separation	2004	05	30	(starting months are adjusted to 30 days)
Date of enlistment	— 1981	07	07	
	22	10	23	
“Inclusive day”			+ 01	
Total	22	10	24	

4. Therefore, when the applicant immediately reenlisted on October 25, 1990, he had 4 years of active duty from November 4, 1968, to November 3, 1972; 23 days of active duty as a reservist; and 9 years, 3 months, and 18 days of active duty from July 7, 1981, through October 24, 1990, which add up to 13 years, 4 months, and 11 days of active duty as shown below:

	04 y	00 m	00 d
	+ 00	00	23
	+ 09	03	18
Total	13	03	41
Adjusted total	13	04	11 (30-day months)

Therefore, block 12.d. of the applicant’s final DD 214 should be corrected to show 13 years, 4 months, and 11 days of prior active service. No other corrections are warranted.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of [REDACTED] USCG (Retired), for correction of his military record is granted. Block 12.d. of his final DD 214 dated May 31, 2004, shall be corrected to show that he had 13 years, 04 months, and 11 days of total prior active service.

April 25, 2014

