

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2014-178



FINAL DECISION

This proceeding was conducted under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. After receiving the applicant's completed application on July 21, 2014, the Chair docketed the case and assigned it to [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated April 24, 2015, 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 was honorably discharged on February 20, 2012, asked the Board to correct block 11 on his DD 214 to show that as his primary specialty, he attended and graduated from HC-144 Electrical and Avionics "C" School. The applicant also alleged that his DD 214 incorrectly denotes that he did not contribute to the Post-Vietnam Era's Veteran's Educational Assistance Program," and therefore asked that the Board amend his DD 214 to have block 15a marked "YES". The applicant declared that he enrolled in the Montgomery GI Bill (MGIB) program on April 22, 2008, and elected to contribute monthly from his paycheck. In support of his application, the applicant submitted (1) a copy of his DD 214, (2) his Standard Travel Orders regarding completion of HC-144 Electrical and Avionics "C" Schools, and (3) Annex "K", Statement of Understanding for Six Year Active Duty Enlistment Option (SOU-6-Year, MGIB).

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on April 22, 2008. Included in the applicant's record is a Page 7 dated April 22, 2008, certifying that the applicant's recruiter had explained to him the educational benefits, and that the recruiter answered any questions that the applicant may have had to his satisfaction.

The applicant was discharged on February 20, 2012. His DD 214 shows "NA" in block 11, "Primary Specialty," and lists the following "Military Education" in block 14: AET HC-

144A Avionics, AET-HC-144A Electrical Course, AET A School, Enlisted Professional Military, Cape May Recruit, Substance Abuse Free Environment, CR/HRA Basic Human Awareness, and CR/HRA Sexual Harassment Prevention. A continuation page for his DD 214 states that with regard to the Montgomery GI Bill, the applicant’s initial service contract was for four years.

VIEWS OF THE COAST GUARD

On December 29, 2014, the Judge Advocate General (JAG) submitted an advisory opinion recommending that the Board deny relief in this case. With regard to block 15a of the applicant’s DD 214, the JAG provided the following statement:

I find that ... the applicant’s enrollment in and contribution to the Montgomery G.I. Bill (MGIB) *does not* necessitate a “yes” response to the question whether the service member contributed to the “Post-Vietnam Era Educational Assistance Program” (VEAP) in Block 15a of the DD form 214. MGIB and VEAP are not equivalents. The applicant’s DD-214 is correct.

The JAG included with his recommendation a memorandum submitted by the Personnel Service Center (PSC), which noted that the applicant’s payment history confirmed that monthly deductions towards the MGIB program had been taken from the applicant’s account, and specifically, in June 2009, the applicant’s total deductions for MGIB were \$1,200.00. PSC also stated that the applicant’s Direct Access record confirmed that the applicant completed three AET courses. PSC stated that when completing a DD Form 214, if a member is enlisted, “NA” should be entered in block 11 for “primary specialty,” and therefore, the applicant’s contention that block 11 is incorrect and should be amended is unfounded.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On December 29, 2014, the Chair of the BCMR sent the applicant a copy of the Coast Guard’s views and invited him to submit a written response within thirty days. The BCMR did not receive a response.

APPLICABLE LAW AND POLICY

Chapter 1.E. of COMDTINST M1900.4D contains the following regulations for preparing DD 214s:

Block 11. Primary Specialty Number, Title and Years and Months in Specialty.

1. Enlisted Personnel. Enter "NA".
2. Officers. Enter the specialty or experience indicator as shown in current Register of Officers (COMDTINST M1427.1 (series)), or the Register of Reserve Officers (COMDTINST M1427.2 (series)).

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Block 15a. Member Contributed to Post-Vietnam Era VEAP. If the member has contributed to Post-Vietnam Era VEAP, check the "yes" block; otherwise, check the "No" block.

Chapter 1.D.2.c.(2) of COMDTINST M1900.4D states that whenever there is unused space in a large block, such as in block 11, type a diagonal line of "X's" below the typed line.

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.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice in his record.¹ The applicant stated that the error occurred on February 20, 2012, and that he discovered the error on July 8, 2014. Therefore, the application is considered timely.²
3. The applicant alleged that block 11 of his DD 214 is incorrect because it fails to show he successfully completed HCC-144 Electrical and Avionic School. The applicant also alleged that block 15a is marked incorrectly. The applicant claims that he contributed to the Post Vietnam Era Veterans Education Assistance Program, however it was marked as "NO" on his DD 214. When considering allegations of error and injustice, the Board begins its analysis in every case 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.³ 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."⁴
4. Pursuant to Chapter 1.E. of COMDTINST M1900.4D, when preparing a DD 214 for an enlisted member, block 11 should contain only the notation "NA." An enlisted member's specialty is shown in block 4a and his military education is shown in block 14. Because block 11 does not apply to Coast Guard enlisted members, the applicant's DD 214 was correctly prepared in only including the notation "NA" in that block. The Board finds that the applicant has failed to prove that block 11 of his DD 214 was improperly completed. In addition, the Board notes that the applicant's completion of the HC-144A Avionics and Electrical courses is properly reflected in block 14 of his DD 214.
5. The applicant also alleged that because he contributed to Montgomery GI Bill educational program, block 15a on his DD 214, which reflects contribution to the Post-Vietnam Era Veteran's Educational Assistance Program, should be marked "YES," instead of "NO." The applicant is incorrect in his belief that this block should be corrected to show that he contributed to VEAP. The applicant's records show that he contributed to the Montgomery GI Bill, not VEAP, a program for members who enlisted from January 1, 1977, through June 30, 1985. Although both are educational benefits programs, they are not the same.⁵ Therefore, the Board

¹ 10 U.S.C. § 1552(b).

² *Ortiz v. Secretary of Defense*, 41 F.3d 738, 743 (D.C. Cir. 1994).

³ 33 C.F.R. § 52.24(b).

⁴ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

⁵ See 38 U.S.C. §§ 3001 *et seq.*, 3201. Money deposited in a VEAP account was matched two to one by the government, whereas funds deposited in an MGIB account are matched approximately twelve to one.

finds that the applicant has failed to prove that block 15a of his DD 214 is incorrect and warrants correction.

6. Accordingly, the applicant's request should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

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

April 24, 2015

