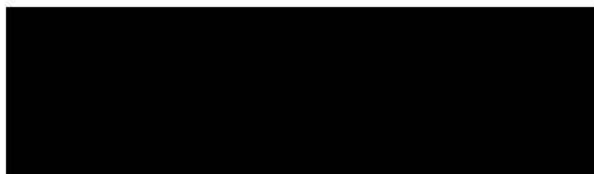


**DEPARTMENT OF HOMELAND SECURITY  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2015-024**



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**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 February 5, 2015, and assigned it to staff member [REDACTED] to prepare the draft decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated September 18, 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, a former [REDACTED] asked the Board to correct his record to reflect his new name, which he had legally changed in 2013. In support of his application, he submitted a copy of a Certificate of Name Change from the Superior Court for the [REDACTED] which shows that judgment was entered by that court on January 17, 2013, authorizing him to assume a new legal name as of February 25, 2013. The applicant stated that correcting his DD 214 and his other military records will be "very beneficial in helping develop my new, un-connectable identification, and permanently close my prior existence."

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on June 17, 1963, and was honorably discharged when his enlistment ended on June 16, 1967. His current name appears in bold above, and his DD 214 and all other Coast Guard records reflect his former name.

### **APPLICABLE REGULATIONS**

Under COMDTINST M1900.4D, the Commandant's instruction for preparing DD 214s, "[a]ll entries [on the DD 214], unless specified otherwise (i.e., block 7a,7b), are for the current period of active duty only from the date of entry as shown in block 12a through the date of separation as shown in block 12b."

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

On June 23, 2015, the Judge Advocate General of the Coast Guard submitted an advisory opinion in which he adopted the findings and analysis provided in a memorandum on the case submitted by the Commanding Officer, Coast Guard Personnel Service Center (PSC), who recommended that the Board deny relief.

PSC stated that the application should be denied due to untimeliness because the applicant was discharged on June 16, 1967, and did not provide any justification for the delay in submitting his application. PSC also argued that relief should be denied because the applicant's DD 214 lists the legal name that he had during his active duty time, and the DD 214 was prepared in accordance with Chapter 1.D.2.a. of the Coast Guard DD 214 manual, which states that all entries on the DD 214 are for the current period of active duty. Finally, PSC argued that there is no error or injustice because the applicant changed his name in 2013 and his DD 2214 correctly shows the name that he had during his period of active duty which ended in 1967.

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

On June 29, 2015, the Chair sent the applicant a copy of the views of the Coast Guard and invited him to respond within thirty days. The Board received no response.

### **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 is timely because the applicant legally changed his name on February 25, 2013, and submitted his application to the Board on July 7, 2014, which is within three years of the date on which he changed his name and could have "discovered" the error in his record, as required by 10 U.S.C. § 1552(b).

2. The applicant alleged that the name on his DD 214 and other military records is now erroneous and asked the Board to correct them to reflect his current name. In 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.<sup>1</sup> Absent evidence to the contrary, the Board

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<sup>1</sup> 33 C.F.R. § 52.24(b).

presumes that Coast Guard officials and Government employees have carried out their duties “correctly, lawfully, and in good faith.”<sup>2</sup>

3. The record shows that the applicant enlisted and served honorably in the Coast Guard under one name from 1963 to 1967 and legally changed his name in 2013. Although he requested that his military records be corrected to reflect his new name so that he can “develop his new identification” and “permanently close” his prior existence, the Board finds that his military records correctly show the name that he served under because his DD 214 was prepared in accordance with COMDTINST M1900.4D, Chapter 1.D.2.a., the Commandant’s instructions for preparing the DD 214. Moreover, the applicant has not shown that having his military records reflect his original name constitutes an injustice.<sup>3</sup> This Board has previously articulated the justification for maintaining a veteran’s former legal name on a DD 214 as it was on the date of discharge as follows:

A DD 214 is a record of a single period of enlistment, like a snapshot, and it is supposed to reflect the facts of that enlistment and to be accurate as of the date of discharge. COMDTINST M1900.4D, the manual for completing DD 214s, contains no provisions for updating DD 214s when veterans’ personal data change after their separation from the Service.<sup>4</sup>

The recommendation of the Coast Guard in this case is thus in line with its regulations and consistent with past Board decisions.

4. The Board finds that the applicant has not proven by a preponderance of the evidence that his name on his DD 214 or other military records is erroneous or unjust. Accordingly, relief should be denied.

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



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

<sup>3</sup> *Id.*

<sup>4</sup> Dept. of Homeland Security, Board for Correction of Military Records, Docket 2009-060 Final Decision.

**ORDER**

The application for correction of the military record of former   
, USCG, is denied.

September 18, 2015

