

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2016-028

████████████████████
YN2 (former)

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 application and the applicant's military records on December 10, 2015, and assigned it to staff member ██████████ to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated October 14, 2016, 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 incarcerated, stated that he is the veteran named in the caption above, who served on active duty in the Coast Guard from January 16, 1984, through June 17, 1988, when he received an honorable discharge. He asked the Board to change the Social Security number (SSN) on his DD 214 and throughout his military records to his correct SSN by changing the numeral in the middle position (of nine) from a █ to an █.

The applicant claimed that during the enlistment process, his Coast Guard recruiter assisted him with getting a Social Security card, but unbeknownst to him at the time, his mother had already obtained an SSN for him years earlier. He alleged that the SSN obtained by his mother, with an █ in the middle position, is the correct one and he wants all of his military records to reflect that SSN. The applicant stated that he discovered the alleged error in his record on May 21, 2015. He explained that he has three separate periods of military service and three separate DD 214s and wants to ensure that the correct SSN is on all three DD 214s.

In support of his application, the applicant submitted a copy of a Social Security card issued on May 18, 2015, which bears the name of the veteran and has an █ as the middle numeral. He also submitted a copy of a "Military Information – ██████████" sheet printed on October 29, 2015, by a Veteran's Service Affairs office which shows the applicant's SSN as the one listed on the May 18, 2015, Social Security card.

SUMMARY OF THE RECORD

The applicant served in the United States Army from January 29, 1980, through January 28, 1983, in the Coast Guard from January 16, 1984, through June 17, 1988, and in the Army again from December 1, 1988, through July 24, 1992. When he enlisted in the Coast Guard in March 1984, the recruiter made a photocopy of his Social Security card. The SSN shown on that photocopy and on the veteran's enlistment papers, discharge forms DD 214, and all other military records is different by one digit from the SSN shown on the photocopy of the Social Security card issued to the applicant on May 18, 2015, which he submitted: the Social Security card copied by the recruiter in 1984 has a [REDACTED] in the middle spot, instead of an [REDACTED].¹

The SSN on the 2015 Social Security card has an [REDACTED] in the middle spot, and this SSN appears nowhere in the veteran's military records. Public records in Westlaw show both SSNs are assigned under the veteran's name as well as a variation thereof. The SSN with the [REDACTED] in the middle spot appears to have been first used in 1995.

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 April 20, 2016, 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 current 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 in 1988. Moreover, PSC argued, all of the applicant's military records reflect the SSN with the [REDACTED] which the veteran served under and which is the same SSN shown on the photocopy of the Social Security card issued in his name that was entered in his military record upon enlistment. This SSN is not the SSN shown on the applicant's 2015 Social Security card.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 6, 2016, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The BCMR did not receive a response.

FINDINGS AND CONCLUSIONS

¹ The SSN in the applicant's military records is almost the same as the number on the SSN card issued to the applicant on May 15, 2015. It is different by one digit (XXX X [REDACTED] XXXX vs XXX X [REDACTED] XXXX).

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. An application to the Board must be filed within three years after the applicant discovers, or reasonably should have discovered, the alleged error or injustice.² The applicant was discharged from the Coast Guard on June 17, 1988, and started using a different SSN than the one he had previously been using in 1995, but did not submit his application until June 21, 2015. Therefore, the Board finds that his application is untimely.

2. Although the application was not timely filed, it is critically important for any veteran's DD 214 to bear the veteran's correct SSN. If the SSN on the DD 214 is incorrect, a veteran may not be able to prove his status as a veteran to potential employers, government agencies, and other entities. Therefore, despite the application's untimeliness, the Board will consider his claim on the merits.

3. The applicant alleged that the SSN on his DD 214 and other military records 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.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. The record before the Board contains photocopies of two Social Security cards issued to the applicant with slightly different SSNs on them. The first card with the [REDACTED] in the middle of the SSN was clearly issued to the applicant before he enlisted in January 1984, because his recruiter made the photocopy and placed it in his military record. The applicant apparently used this SSN exclusively until 1995. Public records indicate that in 1995, the applicant began using a new SSN, in which the [REDACTED] was changed to an [REDACTED]. How he acquired this second SSN is unclear. He alleged that his mother got it for him when he was young and so it is his true, original SSN, but there is absolutely no evidence supporting his account of how he got two SSNs that differ by only one numeral. There is no legal reason for the applicant to have two SSNs, and the Board can only conclude that one of them was issued in error. But the applicant has not proven by a preponderance of the evidence that the SSN with a [REDACTED] was issued in error. This SSN appears on the Social Security card in his military record and on all of his other Coast Guard military records. Sometime after his military service, he began using a second SSN, with

² 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

³ 33 C.F.R. § 52.24(b); *see* Docket No. 2000-194, at 35-40 (DOT BCMR, Apr. 25, 2002, approved by the Deputy General Counsel, May 29, 2002) (rejecting the "clear and convincing" evidence standard recommended by the Coast Guard and adopting the "preponderance of the evidence" standard for all cases prior to the promulgation of the latter standard in 2003 in 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).

an [REDACTED] and it appears that the Social Security Administration has recently issued or re-issued him a card with this second SSN.

6. The SSN on the applicant's DD 214 and on the photocopy of his Social Security card in his military record is presumptively correct,⁵ and the applicant has not proven by a preponderance of the evidence that it is incorrect. Neither his recently issued Social Security card nor the documentation of his military service issued by his local Veteran's Service Affairs office prove that the SSN in his military records is erroneous. Therefore, the Board will not order the Coast Guard to change the SSN on the applicant's DD 214, and his request should be denied.

7. To prove that he is the same person listed on his DD 214s, the applicant needs the Social Security Administration to issue him a Social Security card with his original SSN or at least to acknowledge in writing that he has two valid SSNs or that the SSN shown on his DD 214 has been legally changed to a second SSN. Clearing up this issue through the Social Security Administration would allow the applicant's two earnings records to be joined, which might increase his future Social Security benefits. To get such documentation and clear up this issue, the Board recommends that the applicant take the following documents to his local Social Security office:

- The photocopy of his original Social Security card, with his original SSN, which was sent to him with the Coast Guard's advisory opinion;
- His new Social Security card with his new SSN;
- His DD 214s showing his original SSN;
- His birth certificate; and
- His driver's license.

(ORDER AND SIGNATURES ON NEXT PAGE)

⁵ 33 C.F.R. § 52.24(b).

ORDER

The application of former [REDACTED], USCG, for correction of his military record is denied, but as explained in the findings above, he is advised to seek help from the Social Security Administration.

October 14, 2016

