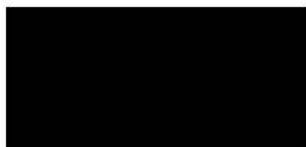


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2016-078



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 March 22, 2016, and assigned it to staff attorney [REDACTED] to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated January 27, 2017, 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 amount of prior inactive service shown in block 12.e. of his DD 214. He alleged that it fails to correctly reflect all of his prior inactive service. The applicant stated that block 12.e. should be changed to show 03 years, 08 months, and 27 days, instead of 01 year, 10 months, and 29 days.

SUMMARY OF THE RECORD

On September 21, 2010, the applicant joined the Coast Guard Reserve. Before January 2013, he completed a total of 5 months and 23 days of short periods of active duty for training as shown in this table:

START DATE	END DATE	YEARS	MONTHS	DAYS
September 21, 2010	November 12, 2010		1	22
May 22, 2011	August 19, 2011		2	28
June 15, 2012	June 29, 2012			15
August 15, 2012	August 28, 2012			14
December 10, 2012	December 13, 2012			4
Column Totals		0	3	83
Total Years, Months, and Days of Prior Active Service		0	5	23

The applicant then served on active duty from January 22, 2013, until June 15, 2014, totaling 01 year, 04 months, and 24 days in continuous active service.

On May 15, 2014, the applicant signed a DD 214 with the following entries:

12. Record of Service	Years(s)	Month(s)	Day(s)
a. Date Entered [Active Duty] This Period	2013	01	22
b. Separation Date This Period	2014	06	15
c. Net Active Service This Period	01	04	25
d. Total Prior Active Service	00	05	03
e. Total Prior Inactive Service	01	10	29

VIEWS OF THE COAST GUARD

On August 12, 2016, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion in which he recommended that the Board grant alternative 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 the applicant entered the Coast Guard Reserve on September 21, 2010, and commenced a period of active duty on January 22, 2013. The applicant served on active duty continuously until June 15, 2014. PSC found that block 12.e. of his DD 214 is incorrect and should therefore be changed to 01 year, 10 months, and 8 days. PSC also noted that block 12.c. should read 01 year, 04 months, and 24 days for net active service and that block 12.d. should read 0 years, 05 months, and 23 days for prior active service.

The PSC therefore stated that the DD 214 should read (edited entries shaded):

12. Record of Service	Years(s)	Month(s)	Day(s)
a. Date Entered [Active Duty] This Period	2013	01	22
b. Separation Date This Period	2014	06	15
c. Net Active Service This Period	01	04	24
d. Total Prior Active Service	00	05	23
e. Total Prior Inactive Service	01	10	08

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On September 27, 2016, 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 discovery of the error.¹

2. The applicant alleged that the amount of prior active service shown in block 12.e. of his 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. Under COMDTINST M1900.4D, the manual for preparing DD 214s, block 12.e of a DD 214 is supposed to show the member’s total prior inactive service—i.e., all prior creditable service except for active duty—prior to the entry date in block 12.a., which is January 22, 2013.⁴ The applicant served on active duty from January 22, 2013, through June 15, 2014, so there are no creditable periods of inactive service in this time frame. Therefore, to include all of his prior creditable inactive service, block 12.e. should account for all of the time from his appointment in the Reserves on September 21, 2010, through January 21, 2013, except for the time he spent on active duty between those dates, which totaled 05 months and 23 days, as shown in the table on the first page of this decision.

Therefore, to determine the applicant’s total prior inactive service for block 12.e. of his DD 214, his 5 months and 23 days of active duty must be subtracted from the entire period from September 21, 2010, through January 21, 2013, as shown below:

End Date	2013 01 21	
Start Date	— 2010 09 21	
	<u>02 04 00</u>	
“Inclusive day” ⁵		+01
Time in Reserves	02 04 01	(Equals 02 03 31)
Active duty	— 05 23	
Total Inactive Duty	01 10 08	

¹ 10 U.S.C. § 1552(b).

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 COMDTINST M1900.4D.

⁵ When subtracting one date from another date, an “inclusive day” must be added in order to put the beginning date back into the computation. PPCINST M1000.2B, App. C (Oct. 2012).

Therefore, block 12.e. of the applicant’s DD 214 should show 01 year, 10 months, and 08 days.

4. The Board further finds that PSC is correct regarding blocks 12.c. and 12.d. of the applicant’s DD 214. Under COMDTINST M1900.4D, block 12.c. is supposed to reflect the amount of active duty from the date of entry in block 12.a. through the separation date in block 12.b.⁶ Therefore, the net active service in block 12.c. should state 1 year, 4 months, and 24 days, calculated as follows:

End Date	2014	06	15	(Equals 2014 05 45)
Start Date	— 2013	01	22	
		01	04	23
“Inclusive day”				+01
Total	01	04	24	

Additionally, pursuant to COMDTINST M1900.4D, the entry in block 12.d. is supposed to reflect the member’s total prior active service—i.e., all prior creditable service except for inactive duty—prior to the entry date in block 12.a., which is January 22, 2013.⁷ As shown in the table in page one above, the applicant served for 5 months and 23 days on active duty prior to January 22, 2013.

5. Accordingly, alternative relief should be granted by correcting the applicant’s DD 214 as follows:

- Block 12.c. should show 1 year, 4 months, and 24 days of net active service;
- Block 12.d. should show 5 months and 23 days of prior active service; and
- Block 12.e. should show 1 year, 10 months, and 8 days of prior inactive service.

(ORDER AND SIGNATURES ON NEXT PAGE)

⁶ See COMDTINST M1900.4D.

⁷ See COMDTINST M1900.4D.

ORDER

The application of former [REDACTED], for correction of his military is granted. The Coast Guard shall correct his DD 214 dated June 15, 2014, to include the following information:

- Block 12.c. shall show 1 year, 4 months, and 24 days of net active service;
- Block 12.d. shall show 5 months and 23 days of prior active service; and
- Block 12.e. shall show 1 year, 10 months, and 8 days of prior inactive service.

January 27, 2017

