

**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. 2017-026**



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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 application and the applicant's military records on October 4, 2016, and assigned the case to staff member [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated July 7, 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 claimed that he is the veteran named in the caption above, who served on active duty in the Coast Guard from March 16, 1987, through May 23, 1988, and received an honorable discharge. He has asked the Board to correct the Social Security number (SSN) on his DD 214 and throughout his military records to his correct SSN. The applicant claimed that the second and third digits of his SSN on the DD 214 are incorrect because they should be yz (xyz xx xxxx) instead of zy. In support of his application, he submitted a copy of a Social Security card which bears the name of the veteran and a SSN that begins xyz. He also submitted a copy of a U.S. Department of Veterans' Affairs and a driver's license issued by the state of [REDACTED], both of which bear the name of the veteran without an SSN.

The applicant stated that he discovered the alleged error in his record on October 14, 2016, after receiving a copy of his DD 214 from the National Personnel Records Center.

**SUMMARY OF THE RECORD**

The applicant served in the Coast Guard from March 16, 1987, through May 23, 1988, and was honorably discharged for the convenience of the government. His Coast Guard record contains his February 19, 1987, application for enlistment, on which he listed the first three digits of his SSN as xzy-xx-xxxx. This SSN appears on all but two documents in his official Coast

Guard record. The two documents that contain a SSN beginning with xyz are a Coast Guard marks form from 1987, and a letter from the applicant to the National Personnel Records Center dated November 20, 1996. In the letter, the applicant requested a copy of his DD 214 and claimed that his SSN begins with xyz and that the SSN on his DD 214 is incorrect because it begins with xzy.

The applicant's record also contains a letter from the [REDACTED] Department of Social Services dated September 23, 1981, addressed to the applicant's mother, which states, "Your son's social security number is [xzy-xx-xxxx]. If you wish to get him another card, use the enclosed application."

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

On March 23, 2017, 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 the Board deny relief.

PSC stated that the application should be denied due to untimeliness because the applicant was discharged in 1988 and did not provide sufficient justification for the untimeliness of his application. Regarding the merits of the case, PSC argued that the applicant listed his SSN as beginning with xzy on his application for enlistment as well as on his enlistment contract. Moreover, PSC argued, the letter from the Department of Social Services for the State of [REDACTED] states that the applicant's SSN begins with xzy. Finally, PSC noted that with the exception of two documents, the applicant's SSN begins with xzy on every document in his record. PSC argued that although the applicant submitted a copy of a social security card with a number starting xyz, this is not proof that the applicant's record is erroneous because he could have applied for and received a new SSN after his separation from the Coast Guard.

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

On March 31, 2017, 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**

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 the alleged error or injustice.<sup>1</sup> The applicant was discharged from the Coast Guard on May 23, 1988, and sent a letter to the National Personnel Records Center claiming that his SSN on his DD 214 was erroneous in 1996, but did not submit his application to the Board until October 14, 2016. Therefore, the Board finds that his application is untimely because the record shows that he became aware of the alleged error no later than 1996.

<sup>1</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

2. Pursuant to 10 U.S.C. § 1552(b), the Board may excuse the untimeliness of an application if it is in the interest of justice to do so. In *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992), the court stated that to determine whether the interest of justice supports a waiver of the statute of limitations, the Board “should analyze both the reasons for the delay and the potential merits of the claim based on a cursory review.” The court further instructed that “the longer the delay has been and the weaker the reasons are for the delay, the more compelling the merits would need to be to justify a full review.” *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

3. The applicant did not explain why he waited so long to seek the correction of his DD 214, and a cursory review of the merits indicates that he is unlikely to prevail because there is insufficient evidence in the record to support his claim that his SSN is incorrectly recorded on his DD 214. The record shows that he listed his SSN as beginning with xzy on his application for enlistment in the Coast Guard and that this SSN was used consistently by both the applicant and the Coast Guard except on two documents in his official Coast Guard record (one of which is not contemporary with his service). Moreover, the record contains a letter from the Department of Social Services for the State of ██████████ which shows that the applicant’s SSN begins with xzy. These records are presumptively correct,<sup>2</sup> and the copy of the social security card submitted by the applicant is insufficient to overcome that presumption. Before making such a correction, the Board would require clear, explicit, and formal documentation from the Social Security Administration stating that the SSN on his DD 214 was incorrect at the time it was issued or that it has been legally voided and changed to the new SSN.

4. Accordingly, the Board will not excuse the untimeliness of the application or waive the statute of limitations. The applicant’s request should be denied. However, if the applicant has used two SSNs during his lifetime, he should seek a resolution of this issue through the Social Security Administration, which 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 letter from the ██████████ State Department of Social Services, which was sent to him with the Coast Guard’s advisory opinion;
- His DD 214 showing the same SSN;
- His Social Security card with his new SSN;
- His birth certificate; and
- His driver’s license.

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

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<sup>2</sup> 33 C.F.R. § 52.24(b).

**ORDER**

The application of forme  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.

July 7, 2017

