

**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. 2017-085**

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**FINAL DECISION**

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 425. The Chair docketed the case after receiving the application and the applicant's military records on February 17, 2017, and assigned the case to staff member ██████████ to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated September 29, 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 stated that he is the veteran whose name appears second in the caption above, and he asked the Board to correct his name on his DD 214 and throughout his military records to his new legal name. He stated that after his discharge in 2015, he legally changed his last name to his stepfather's last name in 2016. In support of his application, he submitted a copy of a State court's Order for Change of Name (Adult) issued on December 19, 2016, which shows that he legally changed his last name on that date. The applicant's address shown on the court order is the same as the mailing address on the DD 214.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on June 4, 2013, and was honorably discharged on May 11, 2015. All of his Coast Guard records, including his DD 214, reflect the name shown second in the case caption above.

**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 July 6, 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 case submitted by the Coast Guard Personnel Service Center (PSC), which recommended that the Board deny relief.

PSC argued that relief should be denied because the applicant changed his last name after his separation from the Coast Guard and he failed to show that the name on his DD 214 constitutes an error or an injustice. PSC noted that the applicant’s DD 214 reflecting his original name was prepared in accordance with COMDTINST M1900.4D, the manual for preparing the DD 214, and that it is correct because it shows his legal name during his service in the Coast Guard.

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

On July 24, 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. The application was timely filed because the applicant was discharged from the Coast Guard on May 11, 2015, and submitted his application to the Board on January 18, 2017, shortly after he legally changed his name.

2. The applicant alleged that his military records are erroneous and unjust because they do not reflect his current legal name. 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.<sup>1</sup> 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.”<sup>2</sup>

3. The applicant’s records and evidence show that he is the veteran whose name appears second in the case caption above. All of his military records reflect his then legal name, and he did not change his last name until after his discharge. Because the manual for preparing DD 214s, COMDTINST M1900.4D, states that “[a]ll entries, unless specified otherwise (i.e.,

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<sup>1</sup> 33 C.F.R. § 52.24(b).

<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).

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,” the Board agrees with the Coast Guard that the applicant’s DD 214 (and his other military records) should accurately reflect his legal name during his military service. As the Board has found in previous, similar cases, “[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>3</sup>

4. Nor has the applicant shown that having his prior legal name on his DD 214 and other military records constitutes an injustice. The applicant has a court order showing his post-discharge name change, and his Social Security number has not changed. Therefore, he can prove that the DD 214 is his own, and he has not shown that he has been denied any military benefits just because his DD 214 reflects his former legal name.

5. Accordingly, the applicant’s request should be denied.

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

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<sup>3</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 FA [REDACTED] [REDACTED] USCG, now known as [REDACTED], for correction of his military record is denied.

September 29, 2017

