

**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. 2017-197**

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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 June 22, 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 February 2, 2018, 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 was discharged in 2013. 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 he legally changed his last name from his father's to his mother's last name in June 2017.

In support of his application, the applicant submitted a copy of the veteran's DD 214 with the veteran's full name, Social Security Number, and date of birth. He also submitted a copy of a birth certificate, which shows the same full name and date and place of birth as those of the veteran. On this birth certificate, the father's last name is the same as that of the veteran and the mother's maiden last name is the same as the applicant's current name. The applicant also submitted an Order on Petition for Name Change issued on June 6, 2017, which shows that he legally changed his last name from that of the veteran and his father to that of his mother.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on June 28, 2010, and was honorably discharged on January 23, 2013. 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 November 16, 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 was discharged in 2013 and thus his application is untimely. Regarding the merits, PSC argued that relief should be denied because he 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.

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

On November 29, 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 although the applicant was discharged from the Coast Guard on January 23, 2013, he submitted his application to the Board within three years of his legal name change, on June 6, 2017, which is the date he discovered the alleged error in his record, which is the fact that his DD 214 does not show his current legal 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>

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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).

3. The applicant's records and evidence indicate that he is the veteran whose name appears second in the case caption above. His DD 214 and other military records reflect his legal name at the time of his military service, 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., 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 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 presumably, his Social Security number has not changed. Therefore, if asked, he can prove that the DD 214 is his own. He has not shown that he has been denied any veterans' benefits 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 of former [REDACTED], USCG, for correction of his military record is denied.

February 2, 2018

