

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-012

████████████████████
████████████████

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 11, 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 August 17, 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 named in the caption above, who served on active duty in the Coast Guard from July 21, 1980, through January 26, 1984, and received a discharge under honorable conditions. 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 last four digits of the SSN on his DD 214 and in his Coast Guard records are incorrect. In support of his application, he submitted a partial copy of his DD 214 which does not show his name or social security number because the top of the document is cut off.

The applicant did not state when he discovered the alleged error in his record nor did he explain why he waited so long to seek this correction.

SUMMARY OF THE RECORD

The veteran enlisted in the Coast Guard on July 21, 1980, and was discharged on January 26, 1984, for misconduct. On November 19, 1986, he submitted an application to the Discharge Review Board (DRB) wherein he asked that his discharge be upgraded to honorable. He also noted that his SSN was incorrect on his DD 214. On April 6, 1987, the DRB conducted a review of the veteran's discharge and recommended that his general discharge stand as issued. In their findings, the DRB noted that the veteran's claim that the SSN in his Coast Guard records was incorrect was

irrelevant to the proceeding and that he should apply to the BCMR to have the SSN on his DD 214 changed. The findings of the DRB were approved by the president of the DRB on August 7, 1987, and by the Commandant on September 17, 1987.

The veteran's Coast Guard record contains his June 17, 1980, application for enlistment, on which he wrote his own SSN, and that SSN appears on numerous documents throughout his official Coast Guard record. The documents that show the SSN with the different ending, which the applicant claims is correct, are the following:

- A photocopy of a social security card in the veteran's name that was mailed to the Coast Guard in November 1987, three years after his discharge;
- The veteran's 1986 application to the DRB and the associated correspondence and decision of the DRB; and
- A Department of Veterans Affairs request for information sheet dated February 3, 2017, more than thirty years after the veteran's discharge.

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 March 29, 2018, 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 Commander, 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 1984 and did not provide sufficient justification for the untimeliness of his application. Regarding the merits of the case, PSC argued that the veteran wrote his SSN on his original enlistment contract and used that SSN throughout his entire Coast Guard career.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 13, 2018, 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 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.¹ The veteran was discharged from the Coast Guard on January 26, 1984, but did not submit his application to the BCMR until September 8, 2017. Therefore, the Board finds that his application is untimely because the record shows that he became aware of the alleged error no later than 1984 and was notified by the DRB in 1987 that he should apply to the BCMR to have his SSN corrected.

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 the veteran wrote his SSN on his application for enlistment in the Coast Guard and used this SSN consistently throughout his service. The only documents showing a different SSN are dated after the veteran’s discharge, when he apparently began using a different SSN. The veteran’s Coast Guard records are presumptively correct,² and the copy of the social security card submitted to the DRB in 1987 is insufficient to overcome that presumption.

4. Accordingly, the Board will not excuse the untimeliness of the application or waive the statute of limitations, and 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 his two earnings records to be joined and 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:



- His DD 214 showing the veteran’s SSN;
- His Social Security card with his new SSN;
- His birth certificate; and
- His driver’s license.

(ORDER AND SIGNATURES ON NEXT PAGE)

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

² 33 C.F.R. § 52.24(b).

ORDER

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

August 17, 2018

