

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-020

██████████
██
(former)

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 November 3, 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 June 22, 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 asked the Board to correct the name on his discharge form DD 214 and throughout his military records to his new legal name as of June 2017.

In support of his application, the applicant submitted a copy of the veteran's DD 214 and a copy of a Final Judgment of Change of Name issued by a ██████████ on ██████████ which shows that his former legal name is the same as that of the veteran. He also submitted a copy of his ██████████ driver's license, which shows that his date of birth is the same as that of the veteran, and a copy of a Social Security card issued on July 17, 2017, which bears his new name and the same Social Security number as that of the veteran.

SUMMARY OF THE RECORD

The veteran enlisted in the Coast Guard on July 2, 1984, and was honorably discharged on June 5, 1988. All of his Coast Guard records, including his DD 214, reflect the name shown second in the case caption above. All of his Coast Guard records reflect the same Social Security number as the one on his DD 214 and on the new Social Security card issued to the applicant on July 17, 2017.

APPLICABLE REGULATIONS

Under COMDTINST M1900.4B, the Commandant's instruction for preparing DD 214s in 1988, states that "[a]ll entries [on the DD 214], unless specified otherwise 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 April 11, 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 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 1988 and his application is untimely. Regarding the merits, PSC argued that relief should be denied because he changed his last name 29 years after his separation from the Coast Guard and his personnel record and DD 214 were correct at the time of his discharge.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 1, 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 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 in 1988, he submitted his application to the Board within three years of his legal name change on June 26, 2017, which is the date he discovered the alleged error in his record.

2. The applicant requested an oral hearing before the Board. The Chair, acting pursuant to 33 C.F.R. § 52.51, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation.¹

3. 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

¹ *Armstrong v. United States*, 205 Ct. Cl. 754, 764 (1974) (stating that a hearing is not required because BCMR proceedings are non-adversarial and 10 U.S.C. § 1552 does not require them).

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

4. The preponderance of the evidence shows that the applicant is the veteran whose name appears second in the case caption above but that his DD 214 is not erroneous. His DD 214 and other military records reflect his legal name at the time of his military service, and he did not change his name until after his discharge. Because the manual for preparing DD 214s, COMDTINST M1900.4B, 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. The manual for completing DD 214s, contains no provisions for updating DD 214s when veterans’ personal data change after their separation from the Service.”⁴

5. Nor has the applicant shown that having his prior legal name on his DD 214 and other military records constitutes an injustice. He has a court order showing his post-discharge name change and his Social Security number has not changed. Therefore, if asked, he can prove that the DD 214 is his own.

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

(ORDER AND SIGNATURES ON NEXT PAGE)

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 Dept. of Homeland Security, Board for Correction of Military Records, Docket 2009-060 Final Decision.

ORDER

The application of former [REDACTED] USCG, now known as [REDACTED] [REDACTED] for correction of his military record is denied.

February 2, 2018

