

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-047

██████████
Formerly, ██████████
FA (former)

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 on November 24, 2017, and assigned it 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 14, 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, a former fireman apprentice who was discharged on April 6, 2000, stated that he is the veteran whose name appears second in the caption above. He asked the Board to correct his DD 214 to reflect his new first name, which appears in bold in the caption and which he started using following a legal name change in 2017. He stated that he had his first and middle names legally changed on September 21, 2017, and needs those names on his DD 214 changed to match the first and middle names he uses with the ██████████ Department of Motor Vehicles. In support of his application he submitted a copy of an Order Changing the Name of an Adult issued by a District Court in ██████████, which shows that the applicant's Social Security number is the same as the veteran's and that he had his first and middle names legally changed on September 21, 2017. He also submitted a copy of his DD 214 which shows that he served on active duty in the Coast Guard from October 13, 1998, to April 6, 2000, and received an honorable discharge.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on October 13, 1998, and was honorably discharged on April 6, 2000, for unacceptable conduct. His discharge form DD 214 and his other Coast Guard records all reflect his former first name.

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 28, 2018, a judge advocate in the office of the Judge Advocate General of the Coast Guard submitted an advisory opinion in which she adopted the findings and analysis provided in a memorandum on the case submitted by the Commanding Officer, Coast Guard Personnel Service Center (PSC), who recommended that the Board deny relief.

PSC argued that the application should be denied as untimely because the applicant was discharged in 2000 but did not submit his application until 2017. With regards to the merits of the case, PSC recommended that relief be denied because the applicant's name on his DD 214 and in his Coast Guard records is his former name — the one that was his legal name during his service in the Coast Guard and before he legally changed it in 2017.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 1, 2018, the Chair sent the applicant a copy of the views of the Coast Guard and invited him to respond within thirty days. The Board received no 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 submission, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application was timely filed within three years of the applicant's discovery of the alleged error because although he was discharged in 2000, he did not legally change his name until 2017.

2. The applicant alleged that the first and middle names shown on his DD 214 are erroneous because he legally changed them on September 21, 2017. 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.¹ 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."²

¹ 33 C.F.R. § 52.24(b).

² *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 record shows that the applicant enlisted and served honorably in the Coast Guard under his then legal name from October 13, 1998, to April 6, 2000, and changed his first and middle names on September 21, 2017. Although he requested that his DD 214 be corrected to reflect his new first and middles names, the Board finds that his DD 214 correctly shows his legal name at the time of his discharge. The manual for preparing DD 214s, COMDTINST M1900.4D, requires that they be accurate as of the date of discharge. As this Board has previously explained,

[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.^[3]

The actions of the Coast Guard in this case are thus in line with its regulations and consistent with past Board decisions.

4. Moreover, the applicant has not shown that having his DD 214 reflect his original name constitutes an injustice. To prove that the DD 214 is his own, he can show a copy of the court order effecting his name change, which also bears his Social Security number, as he has done for his BCMR application.

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

(ORDER AND SIGNATURES ON NEXT PAGE)

³ 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], USCG, is denied.

September 14, 2018

