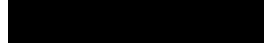


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2019-056


YN2 (former)

FINAL DECISION

This is a proceeding under the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 425. The Chair docketed the case after receiving the applicant's completed application on January 29, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated March 20, 2020, 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 yeoman second class (YN2) who was served in the Coast Guard Reserve from July 15, 1981, to July 14, 1987, asked the Board to make the following corrections to her Coast Guard record:

- Issue a more legible copy of her DD 214¹ documenting her active duty from September 3, 1982, to December 31, 1982;
- Correct the DD 214 to reflect the two 14-day periods of training she received at Yorktown, Virginia, and Petaluma, California;
- Correct her DD 214 to reflect the 90 days of active duty she performed in New Orleans, Louisiana, between 1982 and 1983;

¹ The DD Form 214 provides the member and the service with a concise record of a period of service with the Armed Forces at the time of the member's separation, discharge or change in military status (reserve/active duty). In addition, the form is an authoritative source of information for both governmental agencies and the Armed Forces for purposes of employment, benefit and reenlistment eligibility, respectively. The DD 214 is issued to members who change their military status among active duty, reserve, or retired components or are separated/discharged from the Coast Guard to a civilian status. Reservists released from continuous active duty for training (ADT) less than 90 days are not eligible to receive a DD 214. COMDTINST M1900.4D.

- Correct her DD 214 to reflect the 30 days of active duty she performed in Washington, D.C., in 1982;
- Correct her DD 214 to show that she earned the Pistol Marksman Ribbon;
- Correct her DD 214 to show that she earned the Reserve Good Conduct Medal (RGCM); and
- Correct her DD 214 to show that she had advanced to the rate of YN2 at the time of discharge.

In support of her request, the applicant submitted a copy of a DD 214 documenting her 3 months and 28 days of active duty from September 3 to December 31, 1982. Block 12.f (Foreign Service) is illegible, and Block 13 shows that she had not earned any medals or awards. The Narrative Reason for Separation in Block 28 is also illegible.

The applicant stated that she discovered the alleged errors in her record on November 29, 2018, and argued that the Board should find it in the interest of justice to consider her application because the errors are making it difficult for her to obtain a VA loan and she was refused VA medical benefits.

SUMMARY OF THE RECORD

The applicant enlisted as a yeoman third class (YN3/pay grade E-4) on July 15, 1981, under the Direct Petty Officer program based on her education and employment history. Her Coast Guard military record includes the following documentation:

- A form CG-3307 (“Page 7”) states the applicant completed a two-week course, “Reserve Enlisted Basic Indoctrination,” in at the Training Center in Yorktown, Virginia, from April 12 to 23, 1982.
- Another Page 7 states that the applicant completed another two-week course, “Yeoman Basic,” in Yorktown from June 7 to June 18, 1982.
- A DD 214 shows that the applicant served on active duty in the Coast Guard Reserve from September 3 to December 31, 1982, a period of for 3 months and 28 days. Block 12.d indicates that she had 9 months and 2 days of prior active duty; Block 12.f indicates that she did not perform any foreign service during the enlistment. Block 13 shows no medals or ribbons. Block 14 shows no military education. Block 28, Narrative Reason for Separation, states that she was discharged at the end of her active obligated service.
- A second DD 214 shows that the applicant served on active duty from January 5 to April 29, 1983—a period of 3 months and 24 days—and had 1 year and 22 days of prior active duty. The other blocks are the same as on her first DD 214.
- A third DD 214 shows that she served on active duty from May 2 to August 26, 1983 (a period of 3 months and 25 days), and had 1 year, 4 months, and 16 days of prior active duty. The remaining blocks are the same as one her first DD 214 except that Block 13

shows a cash incentive award.

- Endorsed orders dated June 3, 1985 show that the applicant completed a “PMIS” course of instruction² in at the Training Center in Petaluma, California, from July 21 to August 2, 1985.
- A letter from the District Commander, dated July 1, 1985, states that the applicant had met the eligibility criteria for the Coast Guard RGCM for the period July 15, 1981, to July 14, 1984.
- A letter from the Commanding Officer (CO) at the USCG Institute dated September 12, 1985, notified the applicant that she was scheduled to take the YN2 servicewide exam. She advanced to YN2 on January 1, 1986.
- A Personnel Action form dated September 13, 1987, states that the applicant was honorably discharged from the Reserve as a YN2 on July 14, 1987.

VIEWS OF THE COAST GUARD

On July 22, 2019, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion and adopted the findings and analysis in a memorandum submitted by the Commander, Personnel Service Center (PSC). PSC argued that the application is untimely but recommended granting partial relief by providing the applicant with legible copies of her three DD 214s.

PSC stated that the applicant did not receive a DD 214 for the two 14-day periods of active duty for training (ADT) or 30-day period of active duty because she did not meet the 90-day criteria for the issuance of a DD 214. PSC also argued that the applicant’s RGCM should not be listed on any of her DD 214s because she earned the medal for the period from July 15, 1981, to July 14, 1984, but she was not on active duty for 90 days or more after that three-year period. Regarding the applicant’s request that the Pistol Marksmanship Ribbon be added to her DD 214, PSC stated that there is nothing in her record to show that she qualified with the pistol.

The JAG argued that the Coast Guard has not committed any error or injustice because the applicant is not eligible to receive a new DD 214 reflecting her entire service record. The JAG noted that Coast Guard and Department of Defense policy state that a DD 214 is only issued to reservists who complete 90 days or more of consecutive service. The applicant served on active duty for three periods of at least 90 days and she has already received three DD 214s documenting those periods of active duty. The JAG also noted that the applicant earned her RGCM after the DD 214s were issued, and she did not receive a DD 214 after she received it.

The JAG stated that if the applicant wants a record showing that she was discharged as a YN2 and that she received the RGCM, then the Coast Guard should issue a Statement of Creditable Service (SOCS) for her.

² Chapter 1 of Volume II of the Coast Guard’s PMIS/JUMPS Manual in effect in 1983 states that the PMIS is the Coast Guard’s Personnel Management Information System database.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On July 24, 2019, the BCMR sent the applicant a copy of the Coast Guard's recommendation, including legible copies of all three of her DD 214s, and invited her to submit a response. The Board did not receive a response.

APPLICABLE LAW AND REGULATIONS

COMDTINST 1900.4B was issued in 1979 and contains the Commandant's instructions for completing the DD 214. Chapter 1.A.1.b states that the DD 214 will only be furnished to reservists when they are being separated from a period of active duty for training when they have served 90 days or more. Chapter 1.B.2.a. states that unless otherwise specified, all entries on a DD 214 must be accurate and complete "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."

Chapter 1.C. provides the following instructions for filling the blocks on a DD 214:

- Block 4 should show the rate and pay grade of the member on the date of separation, which is shown in Block 12b.
- Block 12a should show "the date of entry on the current period of active duty or active duty for training."
- Block 12b should show "the date the release, discharge, or change of status is effective."
- Block 13 should show all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized "for all periods of service."
- Block 14 should show the formal in-service training courses successfully completed by the member during the period from the date in Block 12a to the date in Block 12b.

Chapter 5.A. of the Medals and Awards Manual, COMDTINST M1650.25E, states that the RGCM is issued to reserve enlisted members who have been recommended by their commanding officers for proficiency in rating, sobriety, obedience, industry, courage, and neatness throughout each qualifying period of service. The required period of service is three consecutive years, and members must not have received any judicial or non-judicial punishment or received an evaluation with average marks lower than a 3 (out of 4) during the three years.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.³ The applicant was discharged from the Coast Guard Reserves on July

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

14, 1987, and during her enlistment received a DD 214 in 1982 and two DD 214s in 1983. Therefore, her application is untimely.

2. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.⁴ In *Allen v. Card*, 799 F. Supp. 158 (D.D.C. 1992), the court stated that the Board should not deny an application for untimeliness without “analyz[ing] both the reasons for the delay and the potential merits of the claim based on a cursory review”⁵ to determine whether the interest of justice supports a waiver of the statute of limitations. The court noted 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.”⁶ In accordance with this direction, the Board has conducted a cursory review of the merits and finds no reason to excuse the untimeliness of the application:

a. The applicant did not explain or justify why she waited more than 31 years after her discharge to request correction of her military record. She failed to show that anything prevented her from seeking correction of the alleged error or injustice more promptly.

b. The applicant has not submitted any evidence of error or injustice. Her Notices of Separation (DD 214) are correct because they document the three periods of active duty in which she served 90 days or more, and legible copies of all three DD 214s have been mailed to her, including a legible copy of the partially illegible DD 214 that she submitted to the Board with her application.

c. The applicant is not eligible to receive a DD 214 reflecting the two 14-day periods of active duty for training or the 30 days of active duty that she performed because DD 214s are only issued to document active duty of more than 90 days.

d. Block 14 of a DD 214, which is for Military Education, should show only the courses completed between the dates in blocks 12a and 12b. The applicant did not complete her trainings in Yorktown or Petaluma during a period covered by a DD 214.

e. There is nothing in the applicant’s record to show that she earned the Pistol Marksman Ribbon, nor did she submit any evidence that she earned the ribbon.

f. The applicant’s RGCM should not be included on any of her three DD 214s because she earned the medal in 1984 and her DD 214s, which had to be accurate as of the date they were issued, all predate her receipt of the medal.

f. Likewise, her advancement to YN2 should not be reflected on her DD 214s because she advanced to YN2 after they were issued. DD 214s are issued only when a member is released or discharged from a period of active duty, and they are not

⁴ *Id.*; 33 C.F.R. 52.22.

⁵ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁶ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

issued when a reservist is discharged from inactive duty, as the applicant was on July 14, 1987. Because the applicant was not entitled to a DD 214 upon her discharge from the Reserve, there is no DD 214 on which her advancement to YN2 could be annotated.

3. Accordingly, the Board will not excuse the application's untimeliness or waive the statute of limitations and her request should be denied. However, the Board should order the Coast Guard to prepare and send to the applicant a Statement of Creditable Service documenting all of her active and inactive duty as a reservist.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former YN2 [REDACTED] USCGR, for correction of her military record is denied, but the Coast Guard shall prepare and send her a Statement of Creditable Service documenting her active and inactive duty, her training, and her Reserve Good Conduct Medal. All other requests are denied.

March 20, 2020

