


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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2019-064


MK1 (former)

FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. 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 June 12, 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 stated that he is the veteran named in the caption above, who served on active duty in the Coast Guard from February 7, 1977, through January 5, 1987, and received a general 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. The applicant claimed that the nine-digit SSN on his DD 214 and in his Coast Guard records is incorrect because the seventh and eighth digits are in reverse order.

In support of his application, the applicant submitted a copy of a DD 214 for his service from February 7, 1977, to January 5, 1981. This DD 214 is in the veteran's record and shows the same SSN that appears on all of the veteran's military records. The applicant also provided a copy of an old, undated Social Security card, which shows that his name is the same as that of the veteran and that his SSN is the same as the SSN in the veteran's military records except that the seventh and eight digits are reversed.

The applicant claimed that he discovered the alleged errors on his DD 214 in June 2018 after reviewing his record to get a veteran's identification card.

SUMMARY OF THE RECORD

The veteran enlisted in the Coast Guard on February 7, 1977. He was honorably discharged and received his first DD 214 on January 5, 1981. He immediately reenlisted on January 6, 1981, and was honorably discharged and received a second DD 214 on January 5, 1987, after fulfilling his service obligation. The veteran's military record includes the following documentation:

1. On an Application for Enlistment dated September 27, 1976, the veteran's SSN is recorded by hand as it appears on all of his other military records, including his two DD 214s, one of which is the same DD 214 submitted by the applicant. (The seventh and eight digits are reversed from those shown on the newer Social Security card that the applicant submitted with his application.)
2. A photocopy of the veteran's old Social Security card, which he submitted upon his enlistment, shows the following:
 - (a) The third digit of the SSN has been written over by hand in a way that makes the original number unclear and provides two different possible numbers for the third digit, one of which is the same as the third digit of the SSN shown on all of the veteran's other military records and on the newer Social Security card submitted by the applicant.
 - (b) The seventh digit on the veteran's Social Security card has been written over in a way that makes the original number unclear and makes the number consistent with the seventh digit in the SSN on all of the veteran's other military records.
 - (c) It is not clear whether these handwritten changes were made on the SSN card, which was then photocopied, or made on the photocopy.
 - (d) The eighth digit of this old SSN card is not hand-corrected and shows the same eighth digit that appears throughout the veteran's military record (which is different from the eighth digit on the applicant's more recent SSN card).
 - (e) The SSN contains repeated digits. The pattern of the final four on the card in the veteran's military record appears to be ABAA, while the pattern on the applicant's newer card is AABA.
3. A "Request for Military Document/Information For Unemployment Compensation Purposes" dated January 29, 1987—shortly after the veteran's discharge from active duty—shows that the veteran applied for unemployment compensation from his home State, and the State's Employment Commission requested a copy of the veteran's DD 214 from the Coast Guard. The request form shows that the SSN the veteran provided on his application for unemployment compensation is the one that appears on the more recent Social Security card that he submitted with his application.

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 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 Commander, Personnel Service Center (PSC). PSC argued that the application should be denied because it is untimely and because there is no error to correct.

PSC argued that the applicant's request should be denied because all of the military records in his personnel file consistently show the same SSN that he provided to his recruiter upon his enlistment, which he acknowledged by his signature. Moreover, PSC noted that the applicant provided no justification as to why he repeatedly acknowledged the allegedly incorrect SSN during the course of his approximately ten years of service or why he waited over 30 years to correct the alleged error. Regarding the more recent Social Security card submitted by the applicant, the Coast Guard argued that the authenticity of the card cannot be confirmed due to the "quality of the copy."

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On July 26, 2019, the Chair sent the applicant a copy of the views of the Coast Guard and invited him to respond within 30 days. He responded on August 24, 2019, and disagreed with the Coast Guard's recommendation. First, he disagreed with the Coast Guard's allegation that his application is untimely. He argued that his application is not untimely because he submitted his application within a "reasonable time period after the error was discovered" and that his record was stored away for more than 30 years.

Second, he disagreed with the Coast Guard's argument that the SSN on his DD 214 and in all of his military records is correct. The applicant argued that the SSN on his original enlistment application is incorrect because the Coast Guard recruiter wrote it incorrectly. He further stated that while on active duty he continued to sign documents listing the incorrect SSN because he believed that the SSN was correct.

In the applicant's response to the Coast Guard's recommendation, he submitted a copy of a third Social Security card, dated August 29, 2019, which shows the same SSN as the one he submitted with his application but not the same one that appears on the photocopy of the SSN card in the veteran's military record. Finally, he stated that he needs to correct the SSN on his DD 214 because he wants to obtain benefits from the Department of Veterans Affairs (VA).

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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. An application to the Board must be filed within three years after the applicant discovers the

alleged error or injustice.¹ The veteran signed and received numerous documents with his SSN throughout his military service, and he was discharged from the Coast Guard and received his DD 214 with his SSN on January 5, 1987. The record shows that he provided a different SSN to his State Employment Commission when he applied for unemployment compensation within a month of his discharge, so the preponderance of the evidence shows that he knew no later than January 1987 that he was using different SSNs. The applicant claims that he is the veteran, and he did not submit his application to the Board until November 12, 2018. Although he might have forgotten about the problem with his SSN in the interim, the preponderance of the evidence shows that he knew about it in 1987 and that his application is untimely.

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). Although the applicant did not explain or justify his long delay in seeking correction of the SSN on his DD 214, because the record shows that it is erroneous, as explained below, and he wants it corrected to prove his military service, the Board finds that it is in the interest of justice to waive the statute of limitations and will consider the case on the merits.

3. The Board is persuaded that the applicant is in fact the veteran whose records he seeks to correct. The similarity in the SSNs, the evidence of confusion about the SSN in the veteran’s military record, and the veteran’s use of the SSN on the applicant’s newer Social Security cards shortly after his discharge in 1987 proves by a preponderance of the evidence that the military records at issue are the applicant’s.

4. The preponderance of the evidence shows that before or during his military service, the applicant was issued a Social Security card which is different from his newer Social Security cards in that the seventh and eighth digits are swapped. The pattern of the last four digits on his old card appears to be ABAA, while the pattern on his new cards is AABA. It is possible that the clerk who typed the SSN on the old Social Security card in or before 1976 made a typographical error. The applicant’s military record shows that there was some confusion about his SSN while he was in the Coast Guard because the photocopy of the old card contains handwritten corrections that obscure two of the digits that were originally printed on the card: the third and seventh digits. The record further shows that the applicant started using the SSN that he currently uses—with the AABA pattern—as soon as he was discharged from the Coast Guard. Therefore, the Board finds that the applicant has proven by a preponderance of the evidence that the SSN on the applicant’s two DD 214s are erroneous and should be corrected.

5. Accordingly, the Board will grant relief and direct the Coast Guard to issue two DD 215s to correct the DD 214s in the applicant’s record.

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

6. Because the applicant has used two different SSNs during his lifetime, he should ask the Social Security Administration to link or join his two earnings records, which could theoretically increase his future Social Security benefits. To officially link his earnings records, the Board recommends that the applicant take the following documents to his local Social Security office:

- His DD 214s and new DD 215s;
- The photocopy of the SSN card that was entered in his military record;
- His Social Security card with his new SSN;
- His birth certificate; and
- His driver's license.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former MK1 [REDACTED], USCG, for correction of his military record is granted. The Coast Guard shall issue him two DD 215s correcting the Social Security numbers on his two DD 214s to show the same Social Security number that appears on the copy of the Social Security card that he submitted with his BCMR application.

As explained in the findings above, he is advised to seek help from the Social Security Administration in linking his two earnings records.

June 12, 2020

