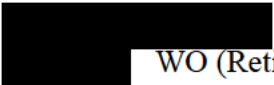


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2019-070

 WO (Retired)

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 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 April 3, 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 Chief Warrant Officer (CWO4) who served on active duty in the Coast Guard from 1989 to 2017, asked the Board to correct Block 12a (Date Entered Active Duty This Period) of his DD 214¹ from September 26, 1989, to July 7, 1989. In support of his request, he submitted a copy of an enlistment contract which indicates in Block A.5 that his date of enlistment in the Coast Guard Reserve is July 7, 1989. All of the "Date Signed" blocks on the enlistment contract are dated July 7, 1989. He also submitted a copy of his DD 214 documenting his active service, and it indicates that his active duty service began on September 26, 1989. Finally, he submitted a Retired Pay Account Worksheet on which the applicant indicated in the Declaration of Service block that he first became a member of the Uniformed Services on July 7, 1989.

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. COMDTINST M1900.4D.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve as an E-1 on July 7, 1989. The first page of his enlistment contract indicates in Block B.8.a. that he was enlisting under the Delayed Entry Program (DEP)² and would begin active service on September 26, 1989. Page 3 of the enlistment contract indicates that the applicant requested to be discharged from the Reserve DEP and was enlisted in the regular Coast Guard for four years effective September 26, 1989.

The applicant's record also includes a Statement of Understanding (Annex A) to his enlistment contract, signed on July 7, 1989, which shows that he was enlisting in the Reserve under the DEP and would be discharged from the Reserve and enlisted in the regular Coast Guard for a period of four years in September 1989. Finally, his record contains a Montgomery GI Bill Statement of Understanding, which was signed by the applicant on July 7, 1989.

VIEWS OF THE COAST GUARD

On June 5, 2019, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which she recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC argued that the application should be denied because the applicant has not shown that there is an error on his DD 214. According to PSC, the applicant's enlistment contract shows that he enlisted in the Reserve under the DEP on July 7, 1989, for a period of eight years, making his Date of Initial Entry Military Service (DIEMS) July 7, 1989, and his eight-year Military Service Obligation (MSO) July 6, 1997. PSC noted that the applicant was discharged from the DEP and enlisted into active duty on September 26, 1989, and that this was acknowledged by the applicant with his signature on his enlistment contract. Accordingly, PSC stated that the date the applicant entered duty on his DD 214 is correct.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On June 13, 2019, the BCMR sent the applicant a copy of the Coast Guard's recommendation and invited him to submit a response. The Board did not receive a response.

APPLICABLE LAW AND REGULATIONS

COMDTINST 1900.D contains the Commandant's instructions for completing the DD 214. Chapter 1.E states that Block 12 of the DD 214 should contain the date the member began active duty, and not the date the member entered the DEP.

² Pending enlistment in the Regular Coast Guard, individuals will be enlisted in the Coast Guard Reserve for a period of eight years as Seaman Recruit, Delayed Enlistment Program (SRDEP), Seaman Apprentice, Delayed Enlistment Program (SADEP) or Seaman, Delayed Enlistment Program (SNDEP). Military obligation commences on the date of enlistment in the Reserve. Article 2.D.2.b. of the Coast Guard Recruiting Manual. Applicants must be scheduled for enlistment within 12 months of entering the Delayed Enlistment Program. Article 2.D.2.b.1. of the Coast Guard Personnel Manual.

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 on July 31, 2017, and received his DD 214 on August 3, 2017, and so his application is timely.

2. The applicant alleged that his DD 214 is erroneous because it does not show the actual date that he enlisted in the Coast Guard. In considering allegations of error and injustice, the Board begins its analysis in every case 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. 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. The applicant argued that his DD 214 should be corrected to show that he enlisted in the Coast Guard on July 7, 1989, instead of September 26, 1989, as currently shown on his DD 214. However, Chapter 1.E. of the DD 214 Instruction Manual states that Block 12.a of a member's DD 214 should contain the date that the member began active duty, and not the date the member signed their enlistment contract or entered the Reserve under the DEP. The record shows that while the applicant signed his enlistment documents on July 7, 1989, his active duty service did not begin until September 26, 1989. The record also contains several enlistment documents signed by the applicant in which he acknowledged that his active service would begin in September 1989.

4. Accordingly, the Board finds that that applicant has failed to prove by a preponderance of the evidence that his DD 214 contains an error and his request should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

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

ORDER

The application of CWO [REDACTED], USCG (Retired), for correction of his military record is denied.

April 3, 2020

