

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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2020-037**

  
SN (former)

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**FINAL DECISION**

This is a proceeding under 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 November 19, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated October 15, 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 seaman (SN) who served on active duty in the Coast Guard from 1961 to 1962, asked the Board to correct his DD 214 to show the rifle and pistol training he received in the Coast Guard. He stated that he needs his DD 214 corrected to reflect his weapons training because his state requires this information on his DD 214 for him to obtain a concealed carry permit. In support of his application he submitted a copy of his DD 214, the details of which are included in the Summary of the Record below.

The applicant stated that the error occurred on November 30, 1962, and that he discovered the missing information on his DD 214 on October 3, 2019. He did not explain why he did not discover the error earlier. Nor did he state why the Board should find it in the interest of justice to consider his application.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on January 31, 1961, and was honorably discharged on November 30, 1962, after serving on active duty for one year and ten months. Block 26 of his DD 214 does not list any decorations, medals, badges, commendations, or citations. Block 28<sup>1</sup> of his DD 214 does not indicate that he completed any service schools or training.

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<sup>1</sup> Block 28 on the DD 214 includes "service schools or colleges, college training courses, and/or post-graduate courses successfully completed."

The applicant's record also contains an administrative remarks form which states that on April 27, 1961, he completed 26 hours of small arms training, completed the "Cal. 30 M1 Rifle, Fired 1000' familiarization course," and obtained a status of "Not Qualified" on the Cal 45 Pistol, course "D". This information is not listed on the applicant's DD 214.

### **APPLICABLE LAW AND REGULATIONS**

COMDTINST 1900.4A contains the Commandant's instructions for completing the DD 214 in 1975 (the oldest instructions available to the Board) and states that the medals and awards block on the form should show all decorations, medals, badges, commendations, citations, and campaign ribbons awarded during the current period of service.

The Commandant's DD 214 instructions also state that the formal in-service training schools completed by the member should be listed, but it specifically states that "training courses for combat skills will not be listed."

Section 2.x.1, Enclosure 1, Personnel Services Center Instruction (PSCINST) 1900.1B, the "Guide to the Evaluation of Educational Experiences in the Armed Services," is used for identifying commonly accepted course titles that constitute "Military Education" for the purpose of completing the military education block on the DD 214. It states that the service schools and training block on the DD 214 should include "in-service training courses (including DOD sponsored courses) successfully completed from the date entered in block 12a through the date entered in block 12b." Small arms training and "Cal. 30 M1 Rifle, Fired 1000' familiarization course" are not listed as commonly accepted course titles or forms of military education.

### **VIEWS OF THE COAST GUARD**

On April 9, 2020, a Judge Advocate (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC).

PSC argued that the application is untimely and noted that the applicant did not provide any justification for the untimeliness of his application for relief. The JAG argued that the applicant's request should be denied because he has failed to state why it has taken so long to file this application and he did not explain why he was not aware of the error upon receipt of his DD-214 in November 1962. Instead, the JAG argued, the only explanation the applicant provided is that his state requires his weapons training to be shown on his DD 214 to issue him a concealed carry handgun permit. The JAG argued that the applicant has waited nearly 60 years to seek relief despite having the means to identify the alleged error at the time his DD-214 was issued to him in November 1962, and as such, the Board should not waive the statute of limitations in the interest of justice.

Regarding the merits, the JAG argued that the applicant did not establish by a preponderance of evidence that the Coast Guard committed an error or an injustice and that he has not offered sufficient evidence to support any claim that the Coast Guard erred in excluding any rifle or pistol training and qualifications he may have received during his time in the Coast Guard

from his DD 214. The JAG noted that the record shows that the applicant did not possess any specific rifle or pistol qualifications during his time in the Coast Guard.

Additionally, the JAG argued, the applicant's request to add his rifle and pistol training to his DD-214 is prohibited under Coast Guard and DoD policy. Per Section 2.x.1, Enclosure 1, PSCINST 1900.1B, Block 14 (Military Education) of the DD Form 214 is to include "in-service training courses (including DOD sponsored courses) successfully completed from the date entered in block 12a through the date entered in block 12b." However, the JAG added, "Military Education does not include training courses for combat skills." Here, the "small arms training" and "Cal. 30 M1 Rifle, Fired 1000' familiarization course" listed in the applicant's record is analogous to "training courses for combat skills and is therefore precluded from inclusion in Applicant's DD-214."

Finally, the JAG argued that under Section 2.x.1, Enclosure 1, PSCINST 1900.1B, the "Guide to the Evaluation of Educational Experiences in the Armed Services" is to be used for identifying commonly accepted course titles that constitute "Military Education" for purposes of completion of Block 14, DD Form 214. Under the Guide to the Evaluation of Educational Experiences in the Armed Services, "small arms training" and "Cal. 30 M1 Rifle, Fired 1000' familiarization course" are not listed as commonly accepted course titles or acceptable forms of military education for purposes of Block 14 of the DD Form 214. Therefore, the JAG argued, the "26 hours of small arms training" and "Cal. 30 M1 Rifle, Fired 1000' familiarization course" listed in the applicant's record do not constitute "Military Education" for purposes of Block 14 of DD Form 214.

### **APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On May 7, 2020, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The Board did not receive a response.

### **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.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>2</sup> The applicant was discharged from active duty and received his DD 214 showing no "military education" on November 30, 1962, but did not submit his application to the Board until 2019. The fact that the state where he resides has certain requirements for issuing a concealed carry permit does not alter the date he knew the contents of his DD 214. Therefore, the Board finds that his application is untimely.

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<sup>2</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>3</sup> 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”<sup>4</sup> 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.”<sup>5</sup> 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 he waited more than 56 years after his discharge from the Coast Guard to request the addition of his weapons training on his DD 214. He failed to show that anything prevented him from seeking correction of the alleged error or injustice more promptly.

b. The Board’s cursory review shows that the applicant’s claim lacks potential merit. PSCINST 1900.1B states that formal in-service training schools completed by the member should be listed on the DD 214 but that “training courses for combat skills will not be listed.” Weapons training is a training for a combat skill. The record shows that in 1961 the applicant completed 26 hours of small arms training and a “rifle familiarization” course but did not qualify with the .45 caliber pistol. These records are presumptively correct,<sup>6</sup> and the applicant has not submitted evidence to overcome the presumption.

4. Accordingly, the Board will not excuse the application’s untimeliness or waive the statute of limitations, and so the request should be denied.

**(ORDER AND SIGNATURES APPEAR ON NEXT PAGE)**

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<sup>3</sup> *Id.*; 33 C.F.R. 52.22.

<sup>4</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>5</sup> *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

<sup>6</sup> 33 C.F.R. § 52.24(b).

**ORDER**

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

October 15, 2020

