

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2020-115

██████████ ██████████ ██████████
Formerly, ██████████ ██████████ ██████████
MK3 (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 application upon receiving the applicant's completed application on May 28, 2020, and prepared the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated March 25, 2022, 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 whose name appears second in the caption above and who was discharged in 2005. He asked the Board to correct the first, middle, and last name on his DD 214¹ to his new legal name. The applicant stated that there is no error or injustice on his DD 214 – he just wants his DD 214 to reflect the name that he had legally changed in February 2020.

In support of his request, the applicant submitted a copy of an Order Changing Name of an Adult issued by a Superior Court on February 24, 2020. He also submitted copies of a Social Security card and State driver's license, both of which reflect his new name. He also submitted a copy of his DD 214 from the Coast Guard bearing his former name and showing that he was honorably discharged on December 20, 2005.

¹ A DD-214 is prepared to document a member's release or discharge from a period of active duty and a DD-215 is used to collect or add information to a DD-214.

SUMMARY OF THE RECORD

The veteran served on active duty in the Coast Guard from September 30, 1996, through December 20, 2005, and was honorably discharged for unsuitability. All of his Coast Guard records, including his DD 214, reflect the name shown second in the case caption above. His date of birth in his Coast Guard records matches the date of birth on the driver's license submitted by the applicant showing his current name.

APPLICABLE REGULATIONS

Under COMDTINST M1900.4A, the Commandant's instruction for preparing DD 214s, "[a]ll entries [on the DD 214], unless specified otherwise, are for the current period of active duty only from the date of entry through the date of separation.

VIEWS OF THE COAST GUARD

On September 9, 2020, 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 recommended that the applicant's request be denied because there was no error or injustice. PSC argued that it is not within Coast Guard policy to change DD 214s when prior service members change their name due to marriage, divorce, adoption, etc., as the name was true and accurate at the veteran's time of service and does not create an injustice.

The JAG argued that to change his DD-214, the applicant must provide justification demonstrating that he was a victim of an error or that having his former name on his DD 214 causes an injustice. However, the JAG stated that the applicant acknowledged that there is no error or injustice.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 5, 2020, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The BCMR 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 submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. An application must be filed within three years of the date that the applicant discovers the alleged error or injustice.² The applicant was discharged from the Coast Guard on December 20, 2005; legally changed his name on February 24, 2020; and submitted his application to the Board on

² 10 U.S.C. § 1552(b).

March 9, 2020, approximately two weeks after he changed his name. Therefore, the preponderance of the evidence shows that the application was timely filed.

2. The applicant asked the Board to change his name on his DD 214. 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. 33 C.F.R. § 52.24(b). 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." *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 applicant has submitted no evidence of an error or injustice. His DD 214 was properly issued in his legal name at the time of his separation and this name is reflected in all of his military records. As the Board has found in similar cases, "[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."³ The applicant has a court order proving his name change and has presumably used that court order to prove that the DD 214 is his own for the past two years. And he did not claim or show that he has been denied any military or veterans' benefits because of his name change.

4. 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 of former MK3 [REDACTED] [REDACTED] USCG, for correction of his military record is denied.

March 25, 2022

[REDACTED] [REDACTED] Digitally signed by [REDACTED]
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