

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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2021-026**

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BMC

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**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 completed application on August 12, 2020, and assigned the case to a staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated March 1, 2023, 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 Chief Boatswain’s Mate (BMC/E-7), asked the Board to correct block 12c, “Net Active Service this Period,” of his discharge form DD-214 dated June 8, 1994, to reflect the actual amount of time he spent on active duty during his original, active duty enlistment. According to the applicant, block 12c of his DD-214 erroneously shows that his total active service for that period is only 1 year, 8 months, and 19 days, but he actually served on active duty for more than 3 years, which is supported by the dates of entry and separation in blocks 12a and 12b of his DD-214. The applicant asked the Board to reflect these changes in a new DD-214, not a DD-215. He alleged that he was applying for federal jobs and those federal jobs told him an updated DD-214 was required, not a DD-215.

**SUMMARY OF THE RECORD**

The applicant enlisted in the regular Coast Guard on May 21, 1991, where he trained as a Boatswain’s Mate.

On June 8, 1994, the applicant was released from active duty into the Coast Guard Reserve due to a reduction in force (RIF). His DD-214 dated June 8, 1994, shows that he had entered active duty on May 21, 1991, in block 12a and was separated from active duty on June 8, 1994, in block 12b. However, block 12c, which is supposed to show the net active service from the date of entry

in block 12a to the date of separation in block 12b shows only 1 year, 8 months, and 19 days of active duty.

On March 25, 2002, the applicant was transferred from the Individual Ready Reserve (IRR) to the Selective Reserve and began drilling regularly.

Since entering the Coast Guard Reserve in 1994, the applicant has served on active duty orders for several extended periods of active duty for which he received DD-214s, including one dated June 30, 2003, and another dated January 31, 2005.

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

On June 21, 2021, a Judge Advocate (JAG) for the Coast Guard submitted an advisory opinion in which she recommended that the Board grant alternate relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC explained that for the May 21, 1991, through June 8, 1994, service period, the applicant's DD-214 erroneously shows a "Net Active Service" in block 12c of 1 year, 8 months, and 19 days. PSC claimed that the applicant's "Net Active Service" in block 12c for that period should reflect 3 years, 0 months, 18 days, and should therefore be corrected.

PSC also stated that the prior active service time on the applicant's DD-214 dated January 31, 2005, appears erroneous as it fails to take into account the period of active duty recorded on the applicant's DD-214 dated June 30, 2003.

PSC further noted that although the Coast Guard database shows that the applicant is a member of the Coast Guard Reserve, the reenlistment contract he signed on September 11, 2017, omits the word "Reserve" and so indicates that he reenlisted on active duty in the regular Coast Guard.

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

On June 23, 2021, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty days. As of the date of this decision, no response has been received.

### **APPLICABLE LAW AND POLICY**

The Certificate of Release or Discharge from Active Duty, DD-214, Manual, PSCINST M1900.1B, provides the following relevant guidance on how "Net Active Service" should be reflected on a DD-214:

2. Block by Block Completion of the DD-214.

...

p. Block 12c. Net Active Service This Period.

Enter the years, months, and days of active service from the date entered in block 12(a) through the date in block 12(b). In accordance with reference (d), Creditable Service affects a members pay and should be computed on a 30 day basis, with the exception of active duty periods of less than 30 consecutive days, which is always computed day-for-day, until the 31<sup>st</sup> of the month is counted.  
**Deduct all periods of lost time.**

The DD-214 Manual also provides the following example of how to calculate the Net Active Service in block 12c from the start date and the separation date in blocks 12a and 12b, respectively. The instructions are the same as those for calculating all active duty time in Appendix C of the Personnel and Pay Procedures Manual.

12b.	2010 10 02	Separation date
12a.	- 1999 12 02	Current AD start date
	10 10 00	
	+ 01	Inclusive day
12c.	10 10 01	Net AD this period

### 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 over this matter under 10 U.S.C. § 1552(a) because the applicant is requesting correction of an alleged error or injustice in his Coast Guard military record. The Board finds that the applicant has exhausted his administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued.

2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>1</sup> The applicant received and signed the erroneous DD-214 on June 8, 1994. Therefore, the preponderance of the evidence shows that he knew of the alleged errors in 1994 and his application is untimely.

3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>2</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>3</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>4</sup> Although the applicant in this case did delay filing the application and has not justified his delay, the Coast Guard has recommended that the Board grant some

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

<sup>2</sup> 10 U.S.C. § 1552(b).

<sup>3</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>4</sup> *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

significant relief in this case. Therefore, the Board finds that it is in the interest of justice to excuse the untimeliness of the application.

4. The applicant has proven by a preponderance of the evidence that block 12c of his DD-214 dated June 8, 1994, erroneously states that his “Net Active Service” for that period was 1 year, 8 month, and 19 days, when it should read 3 years, 0 months, and 18 days, as shown below:

12b.	1994 06 08	Separation date
12a.	- 1991 05 21	Entry on active duty date
	3 00 17	
	+ 01	Inclusive day
12c.	3 00 18	Net AD this period

Accordingly, the Board finds that partial relief should be granted, as recommended by the Coast Guard, and that block 12c of the applicant’s DD-214 should be corrected to include the total amount of his service for the period of May 21, 1991, through June 8, 1994, as 3 years, 0 months, and 18 days.

5. The applicant asked that this correction be made on a new DD-214, instead of a DD-215, but the DD-214 Manual provides that issuing a DD-215 is the proper way to correct information on a DD-214, and the applicant has not submitted evidence to support his claim that a DD-215 is invalid for correcting block 12c. This Board has corrected information throughout block 12 including block 12c by directing the Coast Guard to issue a DD-215 many times. In addition, the DD-214 form has changed over time with different blocks and information, and so there is no way to replicate the applicant’s 1994 DD-214 with the corrected time in block 12c.

6. In the advisory opinion for this case, PSC identified errors in block 12 on the applicant’s DD-214 dated January 31, 2005, and pointed out a discrepancy between the applicant’s Member Information Sheet and his reenlistment contract dated September 11, 2017. The applicant did not respond to the advisory opinion to dispute these additional errors, which are apparent in the record. Accordingly, the Board will authorize the Coast Guard to correct block 12 on his January 31, 2005, DD-214 based on a completed Statement of Creditable Service, as recommended in the advisory opinion, and to fix the discrepancy in his status (SELRES versus regular Coast Guard).

**ORDER**

The application of BM3 [REDACTED] [REDACTED] USCGR, for the correction of his military record is granted in part as follows:

- The Coast Guard shall correct block 12c on his DD-214 dated June 8, 1994, to show his Net Active Service This Period as 03 years, 00 months, and 18 days. This correction may be made on a DD-215.
- The Coast Guard shall correct block 12 of his DD-214 dated January 31, 2005, in accordance with the recommendation in the advisory opinion and based on a completed Statement of Creditable Service.
- The Coast Guard shall correct the discrepancy between his Member Information Sheet, which states that he is in the SELRES, and his reenlistment contract dated September 11, 2017, which states that he reenlisted in the regular Coast Guard.

March 1, 2023

[REDACTED]  
[REDACTED]  
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