

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2021-071

██████████
Formerly, ██████████
SR (former) ██████████

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 May 4, 2021, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated May 27, 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 she is the veteran whose name appears second in the caption above who was discharged in 1979. She asked the Board to correct her name and address on her DD 214¹ to reflect her married name and new address.

To support her request to change her name, the applicant submitted a copy of her marriage license dated April 14, 1988. To support her request to change her address, the applicant stated that she has moved since serving in the Coast Guard.²

The applicant also addressed the delay in submitting her application. She stated that she discovered the alleged errors in her record on May 22, 1988, and argued that the Board should find it in the interest of justice to consider her application because procrastination prevented her from submitting an application in a timely manner.

¹ The DD 214 is issued to cover periods of service on active duty, temporary active duty, active duty for training and special active duty for training certain periods terminated by a change of status not concurrent with separation from active service, and release from a status that is legally determined to be void. COMDTINST M1900.4B.

² The Board notes that the applicant did not provide documentation proving that she is the veteran. Therefore, the Board is assuming, without finding, that she is the veteran.

SUMMARY OF THE RECORD

The applicant served on active duty in the Coast Guard from August 27, 1979, through September 6, 1979, and was discharged under honorable conditions after spending ten days on active duty. Her DD 214 reflects the name shown second in the case caption above.

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.

The instructions state that Block 19 of the DD 214, Mailing Address After Separation, should list the member's complete address where the member intends to reside permanently following separation.

VIEWS OF THE COAST GUARD

On October 4, 2021, 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 denying relief for untimeliness. Regarding the merits of the case, PSC argued that the applicant failed to show that the Coast Guard committed an error or injustice. PSC stated that the applicant's name and address were correctly entered on her DD 214 at the time of her discharge in 1979. PSC stated that the applicant did not get married and change her name until 1988.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 6, 2021, the BCMR sent the applicant a copy of the Coast Guard's views and invited her to respond within 30 days. The Board did not receive a response.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of 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.
2. An application must be filed within three years of the date that the applicant discovers the alleged error or injustice.³ The applicant was discharged from the Coast Guard on September 6, 1979; legally changed her name in 1988; and submitted her application to the Board

³ 10 U.S.C. § 1552(b).

on July 15, 2020, more than 32 years after she changed her name. She did not state in her application when she changed her address. Therefore, the preponderance of the evidence shows that the application was not timely filed.

2. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.⁴ 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”⁵ 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.”⁶ 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 she waited more than 32 years after her name change to request correction of her name and address on her DD 214. She failed to show that anything prevented her from seeking correction of the alleged error or injustice more promptly.

b. The applicant has submitted no evidence of error or injustice. Her DD 214 was properly issued with her legal name and address at the time of her separation. 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. COMDTINST M1900.4A, the 1975 manual for completing DD 214s, contains no provisions for updating DD 214s when veterans’ personal data change after their separation from the Service.”⁷ The applicant has a marriage license proving her name change and has presumably used that license to prove that the DD 214 is her own for the past 32 years. And she did not claim or show that she has been denied any military or veterans’ benefits because of her name change. The disputed record is presumptively correct,⁸ and the record contains no persuasive evidence that substantiates her allegations of error or injustice in her official military record.

3. Accordingly, the Board will not excuse the application’s untimeliness or waive the statute of limitations. The applicant’s request should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

⁴ *Id.*; 33 C.F.R. 52.22.

⁵ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁶ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

⁷ Dept. of Homeland Security, Board for Correction of Military Records, Docket 2009-060 Final Decision.

⁸ 33 C.F.R. § 52.24(b); *see Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992) (citing *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979), for the required presumption, absent evidence to the contrary, that Government officials have carried out their duties “correctly, lawfully, and in good faith.”).

ORDER

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

May 27, 2022

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