


**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. 2021-098**

  
AMT2 (former)

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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 applicant's completed application on October 18, 2021, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision dated June 27, 2024, 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, an aviation maintenance technician, second class (AMT2/E-5) who received a general discharge from the Coast Guard on August 17, 2007, asked the Board to correct his record by changing the following blocks on his DD Form 214<sup>1</sup>: 12.a (Date entered active duty this period), 12.d (Total prior active service), 12.e (Total prior inactive service), and 12.f (Foreign service).

The applicant alleged that the date of enlistment entered in Block 12.a of his DD 214 is incorrect because it reflects his adjusted active duty service date from his prior service in the Air Force. He alleged that Block 12.a should indicate July 29, 1997, which is the date on which he began his active Coast Guard service. The applicant also alleged that Block 12.d is incorrect and should be corrected to indicate that he had four years of prior active service. He also alleged that Block 12.e is incorrect and should be corrected to show that he had three years, nine months, and

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<sup>1</sup> 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 Form 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 M1900.4.

eleven days of prior inactive service. Finally, the applicant alleged that Block 12.f of his DD 214 is wrong and should be corrected to show that he performed three months of foreign service.

The applicant argued that these corrections should be made because the Department of Veterans Affairs (VA) told him that it cannot move forward with his disability claims until he corrects the errors on his DD 214.

The applicant stated the errors occurred on August 17, 2007, and that he discovered the alleged errors on June 30, 2021. Regarding the delay in submitting his application to the Board, he argued that the Board should waive the statute of limitations and consider his request because he did not notice the errors until he received a letter from the VA in response to his disability claims.

In support of his request, the applicant submitted copies of his DD 214s documenting his active service in the Air Force from 1990 to 1994 and Coast Guard service from 1997 to 2007.

### SUMMARY OF THE RECORD

The applicant served on active duty in the Air Force prior to enlisting in the Coast Guard. The DD Form 214 documenting his Air Force service shows the following in Block 12, Record of Service:

Block 12.a (Date Entered AD This Period)	May 18, 1990
Block 12.b (Separation Date This Period)	May 17, 1994
Block 12.c (Net Active Service This Period)	Four years
Block 12.d (Total Prior Active Service)	Zero
Block 12.e (Total Prior Inactive Service)	Six months, twenty-eight days
Block 12.f (Foreign Service)	Three months

The applicant's record shows that he enlisted in the Coast Guard on July 29, 1997, and was discharged on August 17, 2007. On the day he enlisted he completed DD Form 1966/2, Record of Military Processing, and indicated that he had prior service in the Armed Forces. The form also indicates that he was enlisted in the Coast Guard at an advance paygrade due to his prior service.

The DD Form 214 documenting his active Coast Guard service shows the following in Block 12:

Block 12.a (Date Entered AD This Period)	July 30, 1993
Block 12.b (Separation Date This Period)	August 17, 2007
Block 12.c (Net Active Service This Period)	Fourteen years, nineteen days
Block 12.d (Total Prior Active Service)	Zero
Block 12.e (Total Prior Inactive Service)	Zero
Block 12.f (Foreign Service)	Zero

A Statement of Creditable Service (SOCS) in the applicant's record indicates that his Active Duty Base Date<sup>2</sup> is July 30, 1993.

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

On January 21, 2022, 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 argued that the application is untimely but recommended that the Board grant alternative relief because the applicant's request to change his prior inactive service time in Block 12.e on his DD Form 214 cannot be done until his inactive time is verified.

PSC noted that in order for the Coast Guard to provide the applicant with an accurate, complete, and corrected DD Form 214, it requires his Air Force service records to reference enlistment/reenlistment contracts, annexes, and inactive time. PSC stated that the reserve obligation listed in Block 6 of the applicant's Air Force DD Form 214 must be verified to ensure that the correct inactive time in Block 12.e (3 years 9 months 11 days).

The JAG recommended that the Board offer alternate relief by informing applicant that he needs to obtain all his prior Air Force service contract documentation and send this information to the U.S. Coast Guard Personnel Service Center Business Operations Service (PSC BOPS-C) at HQS-DG-M-CGPSC-BOPS-C@uscg.mil. The JAG stated that once these documents are received by the Coast Guard, PSC BOPS-C can take action on the applicant's request.

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

On May 17, 2023, 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 POLICY**

COMDTINST 1900.4D (1993) contains the Commandant's instructions for completing the DD Form 214. Chapter 1.D.2.a states that all entries, unless specified otherwise (i.e., blocks 7a, 7b), are for the current period of active duty only from date of entry as shown in block 12a through the date of separation as shown in block 12b.

Chapter 1.E of the instructions states that Block 12a. (Date Entered Active Duty This Period) should indicate the member's date of entry on active duty.

Chapter 1.E states that Block 12d. (Total Prior Active Service) should contain the member's years, months, and days of service creditable for basic pay for all active service prior to the date entered in block 12a. This computation will include all periods of active duty training

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<sup>2</sup> Active Duty Base Date (ADBBD) is a constructive date computed from active service (only) performed in any branch of the Armed Forces, as modified by time lost or periods not creditable for active Federal service. Active Duty Base Dates are used for determining retirement eligibility, <https://www.dcms.uscg.mil/Portals/10/CG-1/PPC/pppm/apxc.pdf> (last visited on April 8, 2024).

performed in any branch of the Armed Forces. If active duty training is included, put an asterisk (\*) and enter in block 18 (Remarks) \*"Includes active duty training." The correct procedure for computing active duty training is as follows: Periods of active duty training for 30 days or more, use inclusive dates.

Chapter 1.E states that Block 12e. (Total Prior Inactive Service) should contain the years, months, and days of service creditable for basic pay for inactive service completed prior to the date entered in block 12a. Active Duty Training (ADT) computation must be subtracted from the total prior inactive service computation, since the ADT computation is cited as part of block 12d.

Chapter 1.F states that Block 12f. (Foreign Service), should contain the years, months, and days of foreign service from the date entered in block 12a through the date entered in block 12b. Include all periods of service performed in the foreign duty pay areas listed in Chapter 4, Section A, CG PAYMAN COMDTINST M7220.29 (series).

### 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. The application is timely because it was filed within three years of the applicant's discovery of the alleged error or injustice in the record, as required by 10 U.S.C. § 1552(b).
3. The applicant alleged that the Record of Service blocks on his Coast Guard DD Form 214 contain numerous errors. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in the military record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.<sup>3</sup> 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."<sup>4</sup>
4. The applicant alleged that Block 12.a of his DD Form 214 is incorrect and should indicate that he enlisted in the Coast Guard on July 29, 1997. His enlistment contract and the rest of his military records show that he enlisted in the Coast Guard on July 29, 1997. However, Block 12.a of his DD Form 214 erroneously indicates that he enlisted on July 30, 1993. Thus, the Board finds that the applicant has proven by a preponderance of the evidence that Block 12.a of his DD Form 214 is incorrect. Accordingly, the Board should order the Coast Guard to correct the applicant's DD Form 214 by changing Block 12.a to read July 29, 1997.

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<sup>3</sup> 33 C.F.R. § 52.24(b); see Docket No. 2000-194, at 35-40 (DOT BCMR, Apr. 25, 2002, approved by the Deputy General Counsel, May 29, 2002) (rejecting the "clear and convincing" evidence standard recommended by the Coast Guard and adopting the "preponderance of the evidence" standard for all cases prior to the promulgation of the latter standard in 2003 in 33 C.F.R. § 52.24(b)).

<sup>4</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

5. The applicant alleged that Block 12.d of his DD Form 214, Total Prior Active Service, is incorrect and should state that he had performed four years of prior active service. His current DD Form 214 shows in Block 12.d that he had zero prior active service, which is incorrect because the applicant submitted a copy of his DD Form 214 documenting his active service in the Air Force, and that DD Form 214 shows that he served four years on active duty. The Board finds that the applicant has proven by a preponderance of the evidence that Block 12.d of his Coast Guard DD Form 214 is incorrect, and the Board should order the Coast Guard to correct Block 12.d to reflect that he had four years of prior active service.

6. The applicant alleged that Block 12.e of his DD Form 214, Total Prior Inactive Service, is incorrect and should state that he had performed three years, nine months, and eleven days of prior inactive service. His current DD Form 214 from the Coast Guard shows in Block 12.e that he had zero prior inactive service. The Board is unable to determine how much total prior inactive service the applicant performed because he did not submit his complete Air Force military record. Moreover, the JAG also stated that it is unable to determine what Block 12.e should state in the absence of the applicant's complete Air Force record. Accordingly, the Board should deny relief with respect to correcting Block 12.e of his DD Form 214.

7. The applicant alleged that Block 12.f of his DD Form 214, Foreign Service, is incorrect and should state that he had performed three months of foreign service. His current DD Form 214 from the Coast Guard shows in Block 12.f that he had zero foreign service. Chapter 1.F of the DD Form 214 instructions state that the Foreign Service block should contain the years, months, and days of foreign service from the date entered in Block 12.a through the date entered in Block 12.b. The applicant did not submit anything to support his allegation that his DD Form 214 be corrected to show that he had three months of foreign service, nor is there anything in his military record which shows that he performed any foreign service during his Coast Guard enlistment. The Board notes that the applicant's Air Force DD Form 214 shows that he had three months of foreign service, but according to Chapter 1.F of the DD Form 214 instructions, the foreign service block should include only foreign service performed during the periods of active service reflected on the DD Form 214, and not foreign service performed during previous active service. Accordingly, the applicant's request to correct Board the Foreign Service block on his DD Form 214 should be denied.

8. The Board finds that the applicant is entitled to relief because he has proven by a preponderance of the evidence that Blocks 12.a and 12.d of his DD Form 214 are incorrect. Accordingly, his record should be corrected to show in Block 12.a that his active service in the Coast Guard began on July 29, 1997, and Block 12.d should be corrected to show that he had four years of prior active service. All other requests are denied. If the applicant believes other corrections to his DD Form 214 are warranted, then he should obtain all prior Air Force service contract documentation and send this information to the U.S. Coast Guard Personnel Service Center Business Operations Service (PSC BOPS-C) at the email address noted above under views of the Coast Guard.

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

ORDER

The application of former AMT2 [REDACTED] [REDACTED] USCG, for correction of his military record is granted in part. The Coast Guard shall correct his record to show in Block 12.a of his DD Form 214 that his active service began on July 29, 1997. In addition, the Coast Guard shall correct Block 12.d of his DD Form 214 to show that he performed four years of prior active service. His other requests are denied.

June 27, 2024

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