

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2022-010

██████████
Formerly, ██████████
MKC (Retired)

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 6, 2021, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated December 16, 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, whose current name appears first in the case caption above, alleged that she is the veteran whose name appears second in the case caption—a retired Chief Machinery Technician (MKC) who retired in 2018. She asked the Board to correct her DD 214¹ by changing the last name on her DD 214, which was her husband's last name, to her current legal last name, which is also her maiden name.

In support of her request, the applicant submitted a copy of her July 12, 2021, Judgment of Absolute Divorce issued by a state circuit court. The document states that as of the date of the divorce, she was "authorized to resume the use" of her maiden name, which she currently uses, instead of the name that appears second in the case caption above, which is on her DD 214.

SUMMARY OF THE RECORD

The veteran enlisted in the Coast Guard on January 21, 1997, under her maiden name, which is the same as that of the applicant. The veteran's Social Security Number is the same as that provided on the

¹ 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 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 M1900.4D.

applicant's application. Most of the veteran's Coast Guard records from the time of her enlistment until May 22, 2018, reflect her maiden name. (A few of the veteran's records dated in 1999 and 2000 use a third, different last name, but by 2002, the veteran was again using her maiden name and noted her status as divorced.)

Sometime during her enlistment, the veteran was remarried. However, the records before the Board do not include her marriage certificate.

On August 31, 2018, the veteran retired after serving 21 years, 7 months, and 10 days on active duty. Her DD 214 reflects her last name at the time, which was her married name.

On July 12, 2021, the applicant and her husband divorced. The court authorized her to use her maiden name, which is the same as the maiden name of the veteran.

VIEWS OF THE COAST GUARD

On March 3, 2022, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC argued that the applicant failed to show that the Coast Guard committed an error or injustice. PSC stated that at the time the applicant retired, her last name was correctly entered on her DD 214. It was not until after she retired that she changed her last name. PSC argued that the applicant's change in name, and needing to provide documentation that she legally changed her name, does not create an opportunity for discrimination.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 22, 2022, 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.

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."

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.
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). The applicant changed

her name pursuant to a divorce on July 12, 2021, and submitted her application to the Board on September 28, 2021.

3. The applicant argued that the last name on her DD 214 should be changed because it is erroneous and unjust. 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 her 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).

4. The applicant's records and evidence indicate that she is the veteran whose name appears second in the case caption above. The applicant argued that the last name on her DD 214 should be changed because since her retirement in 2018, she has divorced her husband and resumed using her maiden name. According to the manual for preparing DD 214s, COMDTINST M1900.4D, "[a]ll entries, unless specified otherwise, are for the current period of active duty only from the date of entry through the date of separation." In this case, the applicant enlisted using her maiden name. The applicant's records show that for a majority of her enlistment, she continued to use her maiden name except during a brief marriage in 1999 and 2000. Then, some time before her retirement, the applicant was remarried and adopted her new husband's last name. When the applicant retired in August 2018, she was issued a DD 214 that reflects her married name. Although her military records do not contain any evidence of a marriage certificate, the applicant did not allege that her DD 214 was issued in error. 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."² Accordingly, the applicant's DD 214 was properly issued in her legal name at the time of her retirement. Further, the manual contains no provisions for updating DD 214s when veterans' personal data change after their separation from the Service.³

5. The applicant also failed to show that having her prior legal name on her DD 214 constitutes an injustice. The applicant has a divorce judgment proving her name change and has presumably used that to prove that the DD 214 is her own for the past two years. And she did not claim or show that she has been denied any military or veterans' benefits or been subject to any threats or discrimination because of her name change. Therefore, the applicant has not proven by a preponderance of the evidence that her DD 214 is erroneous or unjust.

6. Accordingly, the applicant's request should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

² Dept. of Homeland Security, Board for Correction of Military Records, Docket 2009-060 Final Decision.

³ Id.

ORDER

The application of MKC [REDACTED] [REDACTED] USCG (Retired), for correction of her military record is denied.

December 16, 2022

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