

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2023-005

██████████ ██████████ ██████████
Formerly, ██████████ ██████████ ██████████ ██████████
OS3 (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 case after receiving the applicant's completed application on November 16, 2022, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated July 3, 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, whose name appears first in the case caption above, alleged that he is the veteran whose name appears second in the case caption—a former Operations Specialist Third Class (OS3) who was honorably discharged in 2021. He asked the Board to correct his DD Form 214¹ by changing the first, middle, and last name from his former legal name to his current legal name. He stated that he wants his record corrected to reflect his current legal name for work and school purposes.

In support of his request, the applicant submitted a copy of a September 29, 2022, Decree Changing Name issued by a state Superior Court. He also submitted a copy of his DD Form 214 and a copy of his expired Coast Guard identification card, both of which reflect his former name. Finally, the applicant submitted a copy of a social security card issued on September 29, 2022, which reflects his current name.

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 M1900.4E.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on September 6, 2016, under his former name, which is listed second in the case caption above. All of his Coast Guard records from the time of his enlistment until his discharge reflect his former name.

On July 5, 2021, the applicant was honorably discharged after serving 4 years and 10 months on active duty. His DD Form 214 reflects his legal name at the time. He legally changed his name on September 29, 2022, more than a year after his discharge from the Coast Guard.

VIEWS OF THE COAST GUARD

On September 4, 2023, 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 because the applicant's name and address were accurate at the time he received his DD Form 214 and was discharged. In addition, PSC argued that the need to provide documentation of the name change on his DD Form 214 does not create an opportunity for discrimination, nor "present itself as an injustice."

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On September 12, 2023, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The Board did not receive a response.

APPLICABLE REGULATIONS

Under COMDTINST M1900.4E, the Commandant's instruction for preparing DD Form 214s, provides that the "DD Form 214 provides an accurate and complete summation of active military personnel service. It is the authoritative source of personnel information for administrative purposes"

Under CGPSCINST 1900.1B, the Personnel Service Center Instruction that provides the procedures for the preparation of the DD Form 2014, the DD Form 214 captures the "current active duty period"

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. The application was timely because the applicant changed his name on September 29, 2022, and submitted his application to the Board on October 31, 2022.

2. The applicant asked the Board to correct his military record by changing his first, middle, and last name to the name that he legally changed after he was discharged from the Coast Guard. 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's record and evidence indicate that he is the veteran whose name appears second in the case caption above. The applicant argued that the full name on his DD Form 214 should be changed because since his discharge in 2021, he has legally changed his name. According to the manuals for preparing the DD Form 214, COMDTINST M1900.4E and CGPSCINST 1900.1B, the data captured on the form reflects the relevant active duty period. In this case, the applicant enlisted using his legal name at the time. The applicant's record shows that for the entirety of his enlistment, he used his then-legal name and that name appears on his DD Form 214. A year after his discharge the applicant legally changed his name. As the Board has found in similar cases, "[a] DD [Form] 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. Accordingly, the applicant's DD [Form] 214 was properly issued in his legal name at the time of his discharge. Further, the manual contains no provisions for updating DD [Form] 214s when veterans' personal data change after their separation from the Service."²

4. The applicant also failed to show that having his prior legal name on his DD Form 214 constitutes an injustice. The applicant has a judgment proving his name change and has presumably used that to prove that the DD Form 214 is his own for the past two years. Nor he did not claim or show that he has been denied any military or veterans' benefits because of his name change. Therefore, the applicant has not proven by a preponderance of the evidence that his DD Form 214 is erroneous or unjust.

5. 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.

ORDER

The application of former OS3 [REDACTED] [REDACTED] USCG, for correction of his military record is denied.

July 3, 2024

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