

**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. 2023-029**

  
Yeoman (E-5)

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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 March 28, 2023, 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 February 6, 2025, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICANT'S REQUEST**

The applicant, an honorably discharged Yeoman Second-Class (YN2), asks the Board to correct his Coast Guard military record to correct Block 29 on his DD-214 to reflect "None" instead of being left blank.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on July 24, 2012, and was discharged on August 24, 2016, after completion of his required service. The applicant was issued a DD-214 with Block 29—Dates of Time Lost During This Current Period—left blank.

**VIEWS OF THE COAST GUARD**

On September 18, 2023, a Judge Advocate (JA) for 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).

The JA explained that, according to PSCINST 1900.1, the "block by block" instructions of MOR C, Block 29 shall be completed as following:

*“Enter inclusive dates for all periods of time lost, whether pay was forfeited or not, during the period from the date of entry (Block 12a) to the date of separation (Block 12b). Include periods of unauthorized absence (UA), sickness due to misconduct (SKCM), confinement (CONF), or nonperformance of duty due to civil arrest (NPDI CIVIL). If there are no periods to report, leave this block blank. Direct Access does not allow nondate format entries and will leave this block blank.”*

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

The applicant was provided the Coast Guard Advisory Opinion, but did not provide a response.

### **APPLICABLE LAW AND POLICY**

As stated in the Coast Guard Advisory Opinion, the controlling guidance at the time of the applicant’s discharge was PSCINST 1900.1. In a change from long-standing Coast Guard practice in previous issuances, Block 29 was required to be left blank. This was apparently because “Direct Access does not allow non-date format entries and will leave this block blank.”

### **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. The applicant received and signed the erroneous DD-214 on June 22, 2016, yet did not apply to this Board until January 11, 2023.

3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so. 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>4</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>5</sup> In this instance, the Board finds that it is in the interest of justice to waive the statute of limitations because after reviewing the record and policies in this case, the Board has determined that the applicant is entitled to relief. In addition, the Board notes that the

alleged error was of such a technical and inconspicuous nature that it was unlikely that the applicant realized or appreciated it at the time he received the DD-214.

4. The Board may correct any military record of the Coast Guard when necessary to correct an error or remove an injustice.<sup>1</sup> Error means either legal or factual error.<sup>2</sup> Injustice, when not also error, is treatment by the military authorities that shocks the sense of justice but is not technically illegal.<sup>3</sup> 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 record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.<sup>4</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>5</sup>

5. The Coast Guard has argued that the applicant is not entitled to relief because it followed appropriate policy and regulations when completing and issuing the applicant's DD-214. The Coast Guard is correct, and this Board does not find error in this case. However, this Board also notes that the practice of the other military services, as well as the Coast Guard for many years prior to the issuance of PSCINST 1900.1 in 2016, was to type "None" in block 29. While the lack of this entry did not constitute error, it is now preventing the applicant from "buying back" his military time for the purposes of federal civilian employee retirement. While the Instruction may have directed a blank block 29 in the applicant's case, this was apparently only because the system generating the form would not accept an entry without numbers. Entry of "None" is factually correct, and the appropriate remedy to correct applicant's record and remove an injustice.

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

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<sup>1</sup> 10 U.S.C. § 1552(a); 33 C.F.R. § 52.2(a).

<sup>2</sup> *Sawyer v. United States*, 18 Cl.Ct. 860, 868 (1989), *rev'd on other grounds*, 930 F.2d 1577 (Fed.Cir.1991).

<sup>3</sup> *Id.*

<sup>4</sup> 33 C.F.R. § 52.24(b).

<sup>5</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).

**ORDER**

The application of former YN [REDACTED], USCG, for the correction of his military record is granted. The Coast Guard shall correct Block 29 of the applicant's DD-214 to reflect "None."

February 6, 2025

