

**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. 2023-058**

████████████████████  
Formerly, ██████████  
YN3

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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 August 1, 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 October 24, 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 & ALLEGATIONS**

The applicant, a former Yeoman Petty Officer third class (YN3/E-4), asked to have her military records reflect her name change from ██████████ to ██████████ due to her divorce. The applicant states that she is unable to access any of her Department of Veterans Affairs (VA) benefits due to her name not being correct and her name does not match her current ID. The applicant also states she needs her DD Form 214 to reflect her name change for additional documentation.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on February 27, 1996, under her maiden name.

The applicant provided a copy of application to the Coast Guard to change her name when she was married in October 1996.

The applicant's DD Form 214, dated April 24, 2002, shows her name as her married name.

The applicant's divorce decree is dated February 24, 2011. The divorce decree does not address the applicant changing her name. The applicant signed the divorce decree using her married surname.

The applicant provided copies of Social Security cards with the same Social Security number showing her maiden name and her married name. The applicant provided a copy of a driver's license showing her maiden name. The applicant does not state when she changed her name back to her maiden name, but the driver's license and Social Security card reflecting her maiden name were issued in September 2021.

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

On March 12, 2024, 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 argues that, in addition to the request being untimely, the applicant's divorce was finalized after her separation from service, and therefore, her name as it appears on her DD Form 214 was correctly recorded at the time it was issued. The JA notes that the applicant can record a change of name with the VA by following guidance listed on their website at <https://www.va.gov/resources/how-to-change-your-legal-name-on-file-with-va/> in order to avoid any denial of benefits that may be perceived as an injustice. The JA concludes that the Board's function is to correct errors or remove injustices related to the applicant's records and, as there were no errors or injustices related to this case, denying relief is recommended.

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

On April 2, 2024, the Chair sent the applicant a copy of the Coast Guard's advisory opinion and invited her to respond within thirty days. As of the date of this decision, the Chair has not received a response from the applicant.

### **APPLICABLE LAW AND POLICY**

COMDTINST M1900.4D (September 1993), the Commandant's instruction for preparing Certificates of Release or Discharge from Active duty, DD Form 214s, Article 1.D.2.a. provides that "[a]ll entries [on the DD Form 214], unless specified otherwise (i.e., blocks 7a, 7b), are for the current period of active duty only from the date of entry as shown in block 12a through the date of separation as shown in block 12b."

### **FINDINGS AND CONCLUSIONS**

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 her Coast Guard military record. The Board finds that the applicant has exhausted her 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 must be filed within three years of the date that the applicant discovers the alleged error or injustice.<sup>1</sup> An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>2</sup> The applicant was discharged from the Coast Guard on February 26, 2004 and divorced in 2011. The applicant does not expressly state when she changed her name back to her maiden surname, but the evidence reflects it was not changed as part of the divorce decree. Based on the date of issuance of the applicant's driver's license, it would not be unreasonable to assume it occurred sometime in 2021. As such, the Board will address the request on the merits.

3. The applicant alleged she has been unable to access her VA benefits due to her name not matching her current ID and requests her DD Form 214 be corrected to reflect her current name. The Board may correct any military record of the Coast Guard when necessary to correct an error or remove an injustice.<sup>3</sup> Error means either legal or factual error.<sup>4</sup> Injustice, when not also error, is treatment by the military authorities that shocks the sense of justice but is not technically illegal.<sup>5</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 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>6</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>7</sup>

4. The evidence reflects that the applicant's DD Form 214 was properly issued with her legal name at the time of her separation from service in 2002. The applicant did not divorce nor change her legal name until many years after service 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."<sup>8</sup> As such, the Board finds no error with respect to the name currently listed on the applicant's DD Form 214.

5. The Board further finds that the applicant has not shown, by a preponderance of the evidence, that having her prior legal name on her DD Form 214 constitutes an injustice. While claiming that the incongruent names have prevented her from accessing VA benefits, as noted by the JA, the applicant can record a change of name with VA by following the guidance listed on their website at <https://www.va.gov/resources/how-to-change-your-legal-name-on-file-with-va/> in order to avoid any denial of benefits. Beyond access to VA benefits, of which there is a remedy through VA, the applicant has not alleged that she has experienced any prejudice as the result of her DD Form 214 reflecting her legal name at service separation.

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<sup>1</sup> 10 U.S.C. § 1552(b).

<sup>2</sup> *Id.*, and 33 C.F.R. § 52.22.

<sup>3</sup> 10 U.S.C. § 1552(a); 33 C.F.R. § 52.2(a).

<sup>4</sup> *Sawyer v. United States*, 18 Cl.Ct. 860, 868 (1989), *rev'd on other grounds*, 930 F.2d 1577 (Fed.Cir.1991).

<sup>5</sup> *Id.*

<sup>6</sup> 33 C.F.R. § 52.24(b).

<sup>7</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).

<sup>8</sup> Dept. of Homeland Security, Board for Correction of Military Records, Docket 2009-060 Final Decision.

6. Accordingly, the Board finds the applicant has failed to prove by a preponderance of the evidence the existence of an error or injustice warranting the requested relief. As such, the applicant's request should be denied.

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

**ORDER**

The application of former YN3 [REDACTED], formerly [REDACTED], USCG, for the correction of her military record is denied.

October 24, 2024

