


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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2023-064


YN2 (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 September 20, 2023, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision dated September 12, 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, a former Yeoman second class (YN2/E-5), asked the Board to correct her record by issuing her a DD Form 214¹ which reflects the rank she had attained at the time of her retirement from the U.S. Coast Guard Reserve on November 14, 2006. She alleged that her current DD Form 214 in the archives does not reflect the proper rank/grade of YN2/E-5 that she held upon retirement. The applicant asserted that, upon retirement, her last DD Form 214 "was not worked up."

In support of her request, the applicant submitted a copy of a DD Form 214 documenting her 3 year, 2 months, and 5 days of active duty from July 25, 1984 to August 27, 1987. The DD Form 214 indicates in Block 4a (Grade, Rank or Rate) that she was a YN3 upon separation and Block 4b (Pay Grade) indicates that her pay grade was E-4.

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 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. Reservists released from continuous active duty for training (ADT) less than 90 days are not eligible to receive a DD 214. COMDTINST M1900.4D.

The applicant submitted numerous documents which show that she was a YN2 during her time as a Reservist. These documents include:

- Standard Travel Orders issued on April 27, 2007
- Annual Statement summarizing her reserve points earned from February 18, 1995, through March 31, 1995
- Leave and Earnings Statement (LES) for November 1994
- Honorable Discharge certificate documenting her discharge from the Coast Guard Reserve on November 14, 2006, as a YN2

The applicant asserted this error was discovered in June 2023. She stated she had prior requests, but no one addressed the issue reflecting YN2/E-5 in lieu of YN3/E-4. The applicant provided a letter from the National Personnel Records Center (NPRC), dated June 28, 2023, providing a copy of her separation document.

SUMMARY OF THE RECORD

The applicant was a member of the Coast Guard Reserve from February 18, 1976 to November 14, 2006 and she served on active duty in the Coast Guard from July 25, 1984 to August 27, 1987. After her release from active duty, she continued to serve in the Coast Guard Reserve and advanced to YN2/E-5 on September 1, 1994. She retired from the Reserve on November 14, 2006 as a YN2/E-5. There is nothing in her record to indicate that she served on active duty for a period longer than 90 days while she was in the Reserve.

VIEWS OF THE COAST GUARD

On March 7, 2024, 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 that the Board deny relief because the applicant received a DD Form 214 upon her separation from active service on September 27, 1987, which shows that she was a YN3/E-4.

The JAG argued that the Board should deny relief because the applicant was properly issued a DD Form 214 upon separation from active service in 1987, which accurately reflected her rank at the time of separation from active duty. The JAG noted that pursuant to Department of Defense Instruction (DoDI) 1336.01 and COMDTINST 1900.4D, the applicant was not entitled to a second DD Form 214 upon retirement from the Coast Guard Reserve reflecting the rank of YN2/E-5 because she did not serve on active duty for a period longer than 90 days as a reservist or meet any other requirements necessary for the issuance of a DD Form 214.

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 recommendation and invited her to submit a response within 30 days. The Chair did not receive a response.

APPLICABLE LAW AND REGULATIONS

Commandant Instruction (COMDTINST) 1900.4B² was issued in 1979 and contains the Commandant's instructions for completing the DD 214. Chapter 1.A.1.b states that the DD Form 214 will only be furnished to reservists when they are being separated from a period of active duty for training when they have served 90 days or more. Chapter 1.B.2.a. states that unless otherwise specified, all entries on a DD Form 214 must be accurate and complete "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."

Chapter 1.C. of the instruction provides the following directions for filling the blocks on a DD Form 214:

- Blocks 4a and b should show the rate and pay grade of the member on the date of separation, which is shown in Block 12b.
- Block 12a should show "the date of entry on the current period of active duty or active duty for training."
- Block 12b should show "the date the release, discharge, or change of status is effective."

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. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.³ However, the Board may excuse a failure to file within three years after discovery if it finds it to be the interest of justice.⁴ The applicant was discharged from the Coast Guard Reserve on November 14, 2006. In the application to the Board, the applicant asserts she discovered this error in June 2023 and provides a June 2023 letter from NPRC with her DD Form 214.⁵ The applicant submitted this application in August 2023. Further, while not binding on the Board, both the JAG and PSC found the application to be timely. As such, the Board finds the application to be timely.

2. The Board finds that the applicant has failed to demonstrate by a preponderance of the evidence the existence of an error or injustice warranting the requested relief. The DD Form 214 for the applicant's period of active duty ending September 27, 1987 correctly notes her

² This same guidance is mirrored in COMDTINST M1900.4D (September 2013), which was in effect during the period the applicant was in the Coast Guard Reserve.

³ 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

⁴ *Id.*

⁵ *Wielkoszewski v. Harvey*, 398 F.Supp.2d 102, 109 (D.D.C. 2005) ("The Court recognizes that *McFarlane* counsels that the date of discovery should be the actual date, and not the date at which a hypothetical "reasonable person" would have discovered the error or injustice. *McFarlane v. Sec'y of the Air Force*, 867 F.Supp. 405, 412 (E.D.Va.1994). Nevertheless, this does not mean that the actual date of discovery is whenever a plaintiff says it is.")

rank as YN3/E-4. The applicant did not advance to YN2/E-5 until September 1, 1994. Therefore, her advancement to YN2/E-5 should not be reflected on her DD Form 214 because she advanced to YN2 after the DD Form 214 was issued. DD Form 214s are issued only when a member is released or discharged from a period of active duty and capture just that period of active duty.

3. Further, the evidence of record does not reflect, and the applicant does not otherwise allege, that she served on a subsequent period of active duty for more than 90 days or met any of the other requirements that would entitle her to an additional DD Form 214. The applicant is not eligible to receive a DD Form 214 reflecting her discharge from inactive duty and retirement from the Reserve as a YN2/E-5 on November 14, 2006 because DD Form 214s are only issued to document active duty of more than 90 days. Because the applicant was not entitled to a DD Form 214 upon her discharge from the Reserve, there is no DD 214 on which her advancement to YN2 could be annotated. She was appropriately issued an Honorable Discharge certificate upon her discharge from the Reserve which notes her rank of YN2/E-5.

4. Accordingly, the Board finds the applicant has failed to demonstrate the existence of an error or injustice by a preponderance of the evidence and her request should be denied, but alternate relief is granted. The Coast Guard should prepare and send to the applicant a Statement of Creditable Service documenting all of her active and inactive duty as a reservist.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former YN2 [REDACTED] [REDACTED] USCGR, for correction of her military record is denied, but alternate relief is granted. The Coast Guard shall prepare and send the applicant a Statement of Creditable Service documenting her active and inactive duty.

September 12, 2024

[REDACTED] [REDACTED] Digitally signed by [REDACTED]
Date: 2024.09.17 09:59:53 -04'00'

[REDACTED] [REDACTED]

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