

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-016


SN (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 completed application on December 12, 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 December 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 Seaman, (SN/E-3), who was Honorably discharged on February 3, 2016, asked the Board to correct Block 29 on his DD-214 to reflect a "None" instead of being left blank. The applicant claimed that this correction is required by the Department of Veterans Affairs for a service member to request a military service deposit for retirement.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on March 5, 2012, and was discharged on February 3, 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 19, 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).

PSC explained that according to the “block by block” instructions provided in the Certificate of Release or Discharge from Active Duty, DD Form 214 Manual, PSCINST M1900.1B, the applicant’s DD-214 was completed in accordance with policy. Article 2.ss. of PSCINST 1900.1.B states:

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.

PSC contended that there are no records showing that the applicant had any unauthorized absences or being absent without leave during his time of service. Therefore, leaving block 29 blank on the DD-214 was the correct procedure.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 18, 2024, the Chair sent the applicant a copy of the Coast Guard’s advisory opinion and invited him to respond within thirty days. As of the date of this decision, no response has been received.

APPLICABLE LAW AND POLICY

The Certificate of Release or Discharge from Active Duty, DD Form 214 Manual (September 1993), COMDINST M1900.4D, provides the following guidance on the required information for Block 29 of the DD-214:

Article E. BLOCK 29 (DATES AND TIME LOST DURING THIS PERIOD):

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 (SKMC), confinement (CONF), and nonperformance of duty due to civil arrest (NPDI CIVIL), but do not identify types of time lost by other than “TL.” ***If there are no periods to report, enter “NONE”.*** Do not leave this block blank. (e.g., TL: 6-21-89 to 7-29-89, 11-1-89 to 1-4-89 or TL: NONE).

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.¹ The applicant received and signed the erroneous DD-214 on February 3, 2016, yet did not apply to this Board until December 12, 2023.² Therefore, the preponderance of the evidence shows that he knew of the alleged errors in 1994 and his application is untimely.

3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.³ 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”⁴ 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.”⁵ 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 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. For context, even the Coast Guard’s response, as described below, did not realize the error during their review.

4. 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. To support its position, the Coast Guard cited to Article 2.ss. of PSCINST M1900.1B, which states in relevant part, “If there are no periods to report, leave this block blank.” However, the version of the manual cited by the Coast Guard was not in effect until September 2018, over two years after the applicant was separated and was therefore not in effect at the time the Coast Guard completed the applicant’s DD-214. Instead, the version of the manual in effect at the time, COMDTINST M1900.4D (1993), clearly required that Block 29 of the DD-214 not be left blank, but if there were no periods of unauthorized absence that the block reflect “None.” Accordingly, the Board finds that the applicant has proven, by a preponderance of the evidence, that the Coast Guard erred when completing his DD-214 and should correct the applicant’s record by entering “None” on Block 29 of his DD-214.

(ORDER AND SIGNATURES ON NEXT PAGE)

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

² This is when the Board received the applicant’s complete record which may differ from the date docketed to the date records were received.

³ 10 U.S.C. § 1552(b).

⁴ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁵ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

ORDER

The application of former SN [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."

December 12, 2024

