


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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-035


LTJG (retired)

FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552. The Chair docketed the case after receiving the completed application on January 23, 2024, and assigned it to an attorney to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision dated November 21, 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 is seeking correction to her DD-214 to change block 4a to "LTJG," block 4b to "O2," block 12e to include time in service at the USCG Academy as a cadet, and block 15a to "X – YES." These changes are supported by the retirement ID card, graduation diploma from the USCG Academy, and her current DD-214. The applicant asserts that at the time of signing her DD-214 she did not understand the magnitude or use of the form to insist on correction of the errors, especially since her retired ID card lists her correct rank. She has now struggled with the errors listed on her current DD-214 not accurately reflecting her military career and seeks a correction to the aforementioned errors.

SUMMARY OF THE RECORD

The applicant attended the U.S. Coast Guard Academy (USCGA) from June 29, 2015 to May 22, 2019. Upon her graduation, she was commissioned into the regular Coast Guard, effective May 22, 2019. Prior to her appointment, she had no active or reserve military service other than as a cadet at the USCGA.

The applicant was medically retired from active duty on February 5, 2021 after serving one (01) year, eight (08) months, and fourteen (14) days on active duty.

Official Coast Guard Records show that, at the time of her medical retirement, she was serving as a Lieutenant, Junior Grade (LTJG), pay grade O-2, with a date of rank of November 22, 2020.

VIEWS OF THE COAST GUARD

On September 13, 2024, a Judge Advocate (JA) for the Coast Guard submitted an advisory opinion in which he recommended that the Board grant partial relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Coast Guard Personnel Service Center (PSC).

The JA agreed with both the PSC and the applicant that blocks 4a, 4b, and 15a should be corrected to reflect her correct rank and grade (LTJG, O-2) and that she was commissioned through a Service Academy and recommended granting partial relief to correct those blocks on the DD-214.

The JA argued that 10 U.S.C. § 971 prohibits the counting of service as a cadet or midshipman in the computation of length of service. It states “[i]n computing length of service for any purpose, service as a cadet or midshipman may not be credited to... [a]n officer of the Coast Guard.”¹ “Service as a cadet or midshipman” is defined as “service as a cadet at the... United States Coast Guard Academy...”² The time the Applicant is requesting be added to block 12e of her DD- 214 is in fact her service as a cadet at USCGA. The applicant ultimately did commission as illustrated by her diploma and transcript, but law and policy prohibit service academy attendance from being used to compute a commissioned officer’s total service time. The JA further argued that not including service as a cadet did not constitute error and given the facts and circumstances also did not constitute an injustice.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On September 24, 2024, the Chair sent the applicant a copy of the Coast Guard’s views and invited her to respond within thirty (30) days. As of the date of this decision, no response was received.

APPLICABLE LAW AND POLICY

10 U.S.C. § 971 provides the legal basis for considering time as a cadet or midshipman for any purpose, and states the following:

(a) Prohibition on Counting Enlisted Service Performed While at Service Academy or in Navy Reserve.-The period of service under an enlistment or period of obligated service while also performing service as a cadet or midshipman or serving as a midshipman in the Navy Reserve may not be counted in computing, for any purpose, the length of service of an officer of an armed force or an officer in the Commissioned Corps of the Public Health Service.

(b) Prohibition on Counting Service as a Cadet or Midshipman.-In computing length of service for any purpose, service as a cadet or midshipman may not be credited to any of the following officers:

...

(3) An officer of the Coast Guard.

¹ 10 U.S.C. § 971 (b)(3).

² *Id.* at (c)(1).

(c) Service as a Cadet or Midshipman Defined.-In this section, the term "service as a cadet or midshipman" means-

(1) service as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy

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 submission, and applicable law and regulation:

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. The Board finds that the application is timely because it was filed within three years of the alleged error or injustice.³

2. The Board may correct any military record of the Coast Guard when necessary to correct an error or remove an injustice.⁴ Error means either legal or factual error.⁵ Injustice, when not also error, is treatment by the military authorities that shocks the sense of justice but is not technically illegal.⁶ 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.⁷ 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."⁸

3. The Board finds that the applicant has established by a preponderance of the evidence that she attended and graduated from the United States Coast Guard Academy. As a result, Block 15a of applicant's DD-214 should be checked "YES."

4. The Board finds by a preponderance of the evidence after a review of records provided by the Coast Guard that the applicant was a Lieutenant, Junior Grade (LTJG) upon her retirement. Block 4a should be corrected to read "LTJG," and Block 4b should be corrected to read "O2."

5. Although the Board found that the applicant did serve as a cadet at the United States Coast Guard Academy from 2015-2019, it finds that correction of Block 12e of her DD-214 is not warranted. The applicant's service during that time period was exclusively as a cadet, and she has

³ 10 U.S.C. § 1552(b).

⁴ 10 U.S.C. § 1552(a); 33 C.F.R. § 52.2(a).

⁵ *Sawyer v. United States*, 18 Cl.Ct. 860, 868 (1989), *rev'd on other grounds*, 930 F.2d 1577 (Fed.Cir.1991).

⁶ *Id.*

⁷ 33 C.F.R. § 52.24(b).

⁸ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanden v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

presented no evidence of any other period of creditable service prior to her commissioning on May 22, 2019. 10 U.S.C. § 971 specifically prohibits crediting officers of the Coast Guard with service as a cadet when computing length of service for any purpose. As a result, Block 12 of the DD-214 does not contain an error.

6. The Board also considered the claims of the applicant that she felt pressured to sign the DD-214 despite its alleged errors. While unfortunate, this did not create an injustice to the applicant. Even if she had raised her concerns to appropriate Coast Guard officials at the time of her retirement, the outcome would have been no different than that which this Board directs today. None of the perceived injustice to the applicant merits additional relief.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of retired O2 [REDACTED] USCG, for correction of her military record is granted in part. The Coast Guard shall correct Block 4 of the applicant's DD-214 to reflect her rank at retirement as LTJG (O-2), and Block 15 to reflect that she was commissioned through a Service Academy.

November 21, 2024

