

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-174


(formerly )
(former) FN

FINAL DECISION

This proceeding was conducted by the Board for Correction of Military Records of the Coast Guard (hereinafter “Board” or “BCMR”) under the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the application on August 27, 2024,¹ 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 July 10, 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 AND ALLEGATIONS

The applicant, a former Coast Guard Fireman (FN/E-3), has requested that his DD Form 214 (Certificate of Discharge or Release from Active Duty) (hereinafter “DD 214”) be corrected to reflect his current legal name (the first name listed in the case caption above).

In support of his request, the applicant has submitted his DD 214, which shows he was discharged on July 6, 1960, with an Honorable characterization of service. The DD 214 lists the applicant’s legal name at the time of his discharge (the second name listed in the case caption above). The applicant also submitted a copy of an October 1976 order from a state civil court granting his name change application.

¹ The applicant’s DD Form 149 (Application for Correction of Military Record) was received by the Board on June 17, 2021. The application was not considered complete and reviewable, however, until the applicant’s personnel records were received by the Board in August 2024.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on December 5, 1955, under his former name. He was discharged on July 6, 1960, with an Honorable characterization of service, due to the expiration of his active service obligation. As noted above, the applicant's DD 214 reflects his legal name at the time of his service and discharge (the second name listed in the case caption above). In October 1976, a civil court granted the applicant's request to legally change his name (to the first name listed in the case caption above).

VIEWS OF THE COAST GUARD

In memoranda dated in March and April 2025, the Coast Guard recommended that the Board deny the applicant's requested relief. The Coast Guard first contended that the application was not timely. In addition, the Coast Guard argued that because the applicant's name was listed correctly at the time of his discharge, and because a DD 214 is a "snapshot of a veteran's information at the time of separation from service ... no error or injustice was committed." The Coast Guard also stated that military records are generally not changed retroactively to reflect name changes after a member has departed the service.

APPLICANT'S RESPONSE TO COAST GUARD'S VIEWS

The Board provided the Coast Guard's views to the applicant, and he submitted a response dated May 16, 2025. The applicant stated that he had no objection to the Coast Guard's recommendation. He explained that at his current age, he did not believe he would be using his DD 214 very often. He then thanked all involved for their efforts in this matter.

APPLICABLE LAW AND POLICY

Under the Coast Guard's current instruction for preparation and distribution of DD 214s, COMDTINST M1900.4E (April 2016), the "DD Form 214 provides an accurate and complete summation of active military personnel service. It is the authoritative source of personnel information for administrative purposes, and for making enlistment or reenlistment eligibility decisions." Previous versions of the instruction – M1900.4, M1900.4A, M1900.4B, M1900.4C, and M1900.4D – include the same or similar language.

Per the Coast Guard Personnel Service Center's related instruction, CGPSCINST 1900.1B (September 2018), "a DD-214 captures the current active duty period...."

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on the applicant's military record and submissions, the Coast Guard's submissions, and applicable law and

policy:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. However, the application is not timely, because it was not filed within three years of the applicant's discovery of the alleged error or injustice, as required by 33 C.F.R. § 52.24(b). The applicant legally changed his name in 1976, and his initial submission to the Board was not received until 2021.

2. 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” 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.” Pursuant to these requirements, the Board finds the following:

- a. The applicant provided no explanation for his delay of more than 44 years in filing the application. Upon review of the record, the Board finds no compelling explanation.
- b. A cursory review indicates that the application is unlikely to succeed on its merits. The disputed record is presumptively correct,² and the record contains no persuasive evidence substantiating the existence of an error or injustice in the applicant's personnel file.

The record shows that the applicant enlisted using his legal name at the time, and there is no indication that any other name was used during the relevant service period, which ended in 1960. Although the applicant changed his name 16 years later, his DD 214 captured data that was accurate at the time of the form's issuance, consistent with the relevant Coast Guard policies.

In similar cases, the Board has previously found that a DD 214 is “a record of a single period of enlistment, like a snapshot, and it is supposed to ... be accurate as of the date of discharge.”³ The Board acknowledges that this analysis does not apply universally, given that DD 214 corrections based on post-service events may be warranted in some limited circumstances (e.g., the addition of a

² 33 C.F.R. § 52.24(b); see *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979) (there is a presumption, absent evidence to the contrary, that Government officials have carried out their duties “correctly, lawfully, and in good faith.”).

³ See BCMR Docket Nos. 2009-060, 2020-115, 2021-071, 2022-010, 2023-005.

newly-created medal or other award for which retroactive issuance is authorized). In this case, however, the reasoning underpinning the Board's prior decisions remains applicable. To state the analysis differently, the Board's authority extends only to the correction of records based on error or injustice.⁴ When a DD 214 lists an applicant's legal name at the time of separation accurately, and otherwise comports with applicable law and policy, the Board will generally not find an error.

To clarify our reasoning more generally, this Board frames our analysis of error and injustice around law and applicable Coast Guard issuances. The Board does not make service policy. We acknowledge that the DD214 serves the important purpose of connecting veterans to the benefits their prior service entitles them to under law. Unlike other military service records, The DD214 serves an "outward facing" purpose for veterans and non-DHS or DoD agencies. This may provide a strong policy justification to allow name changes on DD214s for all or certain categories of veterans to facilitate their access to veteran's benefits, employment rights, etc. But it is not our role to create or implement such policy. We must ground our analysis of error on the specific facts of each case, controlling law, and applicable Coast Guard issuances. Without a finding of error, the burden is on the applicant to support a claim of injustice with substantial evidence that is specific and relevant to his or her request for relief.

In this case, a cursory review does not indicate that the applicant's DD 214 contains an error. In addition, the applicant has not contended, and the Board's review does not suggest, that the applicant has suffered an injustice as a result of the presence of his prior legal name on his DD 214.⁵

3. Because the applicant provided no compelling reason for the delay in filing his application, and because a cursory review of the merits does not indicate that any error or injustice requiring correction has occurred, the Board will not waive the untimeliness of the application to conduct a thorough review of the merits. Accordingly, the applicant's request will be denied.

4. The Board commends the applicant's honorable service in the Coast Guard. Should he suffer an injustice as a result of the presence of his prior legal name on his DD 214, the applicant is invited to apply to the Board, with supporting evidence, for reconsideration of this decision.

⁴ 10 U.S.C. § 1552(a)(1).

⁵ *Reale v. United States*, 208 Ct. Cl. 1010, 1011 (1976) (defining an injustice as "treatment by the military authorities that shocks the sense of justice, but is not technically illegal.").

ORDER

The application of former FN [REDACTED] (formerly [REDACTED]) is denied.

July 10, 2025

