

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-181

████████████████████
BM3 (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 August 22, 2024, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated June 5, 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 Boatswain's Mate third class (BM3) who was honorably discharged from the Coast Guard in 1975, asked the Board to correct the spelling of his middle name on his DD 214.¹ He stated that his middle name on his DD 214 is erroneously spelled "████████" but argued that the correct spelling is "████████".

In support of his application, the applicant submitted a copy of his DD 214 (summarized below), his Washington state driver's license, current U.S. Passport, and birth certificate. All of these documents, with the exception of the DD 214, spell his middle name "████████".

The applicant stated that the alleged error occurred in 1971 but that he did not discover the error until 2022. He did not explain why he did not discover the alleged error sooner.

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 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. COMDTINST M1900.4D.

SUMMARY OF THE RECORD

The applicant served in the Coast Guard from April 5, 1971 to April 11, 1975 and was honorably discharged after completing four years and seven days on active duty. All of the documents in his official military record show that the spelling of his middle name is [REDACTED] including the enlistment contract that he filled out in 1971. Moreover, he spelled his middle name as [REDACTED] on dozens of other documents in his record. There are no documents in his military record with his middle name spelled [REDACTED]. It is not clear from the record when the applicant started spelling his middle name as [REDACTED].

APPLICABLE REGULATIONS

Under COMDTINST M1900.4A, the Commandant's instruction for preparing DD 214s, "[a]ll entries [on the DD 214], unless specified otherwise, are for the current period of active duty only from the date of entry through the date of separation.

VIEWS OF THE COAST GUARD

On March 24, 2025, a judge advocate (JAG) of the Coast Guard recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum on the case submitted by the Commanding Officer, Coast Guard Personnel Service Center (PSC), who also recommended granting partial relief.

PSC argued that relief should be denied because his record contains numerous documents with wet signatures showing his middle name as [REDACTED] including his original enlistment contract from April 5, 1971. Thus, PSC argued, the preponderance of the evidence shows that the applicant spelled his last name as [REDACTED] during his military service.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 24, 2025, the Chair sent the applicant a copy of the views of the Coast Guard and invited him to respond within thirty days. The Chair did not receive a response.

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:

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.² In this case, the applicant was discharged on April 11, 1975, but did not submit his application until 2024, nor did he explain why he waited so long to correct the alleged error in his record. Therefore, the application is untimely.

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

2. The applicant alleged that his DD 214 is erroneous and unjust because his middle name is spelled incorrectly. In considering allegations of error and injustice, the Board begins its analysis in every case by presuming that the disputed information in the veteran's military record is correct, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.³ Absent evidence to the contrary, the Board presumes that Coast Guard officials have carried out their duties "correctly, lawfully, and in good faith."⁴ Although the applicant in this case did delay filing his application, the evidence of record reveals a prejudicial error in his record, as explained below, and so the Board finds that it is in the interest of justice to excuse the untimeliness of the application.

3. The record shows that the applicant spelled his middle name as [REDACTED] on his enlistment documents in 1971 and this spelling appears on every document in his military record that bears his full name. Thus, the evidence is clear that he intentionally spelled his middle name as [REDACTED] during his entire Coast Guard career but changed the spelling to [REDACTED] at some point after his Coast Guard service. Accordingly, the applicant has failed to prove by a preponderance of the evidence that the Coast Guard erred when it spelled his name as [REDACTED] in his military records.

4. The applicant provided numerous pieces of evidence to show that the proper spelling of his middle name is [REDACTED] including his Washington state driver's license, U.S. Passport, and most importantly, his birth certificate. All of these documents spell his middle name [REDACTED]. Accordingly, the applicant has proven by a preponderance of the evidence that the proper spelling of his middle name is [REDACTED]. The Board notes that although the Coast Guard did not cause the alleged error in the applicant's military record, the Board is authorized to correct it.⁵

5. Although the applicant failed to prove that the Coast Guard caused the error in his record, the Board is authorized to correct his record and finds that the Coast Guard should correct his DD 214 to show that his middle name is spelled [REDACTED] and not [REDACTED].

(ORDER AND SIGNATURES ON NEXT PAGE)

³ 33 C.F.R. § 52.24(b).

⁴ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

⁵ 41 Op. Att'y Gen. 94 (1952), 1952 WL 2907 (finding that "[t]he words 'error' and 'injustice' as used in this section do not have a limited or technical meaning and, to be made the basis for remedial action, the 'error' or 'injustice' need not have been caused by the service involved.").

ORDER

The application of former BM3 [REDACTED], USCG, for correction of his military record is granted. The Coast Guard shall correct his DD 214 to show that his middle name is spelled [REDACTED] and not [REDACTED]

June 5, 2025

