

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-202

[REDACTED]
(formerly [REDACTED].)
(former) SA

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 September 12, 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 17, 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 Seaman Apprentice (SA/E-2), has requested that his DD Form 214 (Certificate of Discharge or Release from Active Duty) (hereinafter “DD 214”) and other discharge documents be corrected to reflect his current legal name. In addition, he has alleged that the first name on his DD 214 contains a typographical error. He has asked that these issues be resolved to prevent any “complication for future claims.”

In support of his application, the applicant submitted two documents signed by a senior Coast Guard official certifying that the applicant was honorably discharged. These certificates were dated October 26, 1953, and June 4, 1954, respectively. As discussed below, the October 1953 discharge certificate relates to the applicant’s release from the Coast Guard Reserve for enlistment into the regular component. This document reflects the applicant’s former name (the name listed second in the case caption on page one of this decision). The June 1954 certificate relates to the applicant’s final discharge from the Coast

¹ The applicant’s DD Form 149 (Application for Correction of Military Record) was received by the Board on September 6, 2022. The application was not considered complete and reviewable, however, until the applicant’s personnel records were received by the Board in September 2024.

Guard. This document reflects the applicant's former name, but with a "t" in place of the "v" in the first name, which the applicant alleges was a typographical error.

The applicant also submitted a copy of a September 1960 order from a state civil court granting his application to change his name from his former name (listed second in the case caption on page one of this decision) to his current legal name (listed first in the case caption).

In addition, the applicant submitted a March 1976 marriage certificate reflecting his current legal name.²

SUMMARY OF THE RECORD

The applicant joined the Coast Guard Reserve on February 13, 1953. On October 26, 1953, he was released from the reserve component in order to enlist in the regular component, which he did the next day, October 27, 1953. On June 4, 1954, the applicant was honorably discharged.

A review of the applicant's personnel file shows that his former name (the name listed second in the case caption) was used throughout his service, including on the following documents:

- an application for enlistment dated September 30, 1953;
- a form dated October 1, 1953, documenting the applicant's mother's consent for him to enlist;
- A CG-3309 (Record of Discharge, Release from Active Duty, or Death) form dated October 26, 1953, documenting the applicant's separation from the reserve component;
- An emergency contact form dated October 27, 1953;
- a draft status and military service history form dated October 27, 1953;
- an enlistment contract dated October 27, 1953;
- an application for a 12-day leave of absence dated December 8, 1953.
- a CG-3307 (Administrative Remarks) form (commonly known as a "Page 7") documenting the applicant's discharge from the Coast Guard on June 4, 1954.

The applicant was discharged from the Coast Guard on June 4, 1954, with an Honorable characterization of service for "convenience of the government." The DD 214 documenting his period of active service ending on this date used his former name, but with the first name spelled with a "t" instead of a "v". Two other documents submitted by the applicant used this spelling: a separate discharge certificate signed by a senior Coast

² The Board observes that the applicant's age listed on the marriage certificate is consistent with the birthdate listed on his DD 214 and other records).

Guard official for the period ending June 4, 1954; and a certificate of completion of recruit training dated February 10, 1954.

In a document dated November 12, 1957, the U.S. Department of Veterans Affairs (VA) certified the applicant was entitled to certain benefits. This document used the applicant's former name as spelled in the case caption of this decision (with a "v").

In September 1960, a state civil court granted the applicant's application for a name change to his current legal name (listed first in the case caption). The order noted that the court had verified the applicant's former name (spelled with a "v") using his birth certificate.

The applicant received a new birth certificate on December 16, 1960, reflecting his new legal name.

In a letter dated February 29, 1968, the VA confirmed the applicant had received certain compensation benefits between 1957 and 1961. This letter used the applicant's former name as spelled with a "v".

In 1976, the applicant was married, and the marriage certificate uses his current legal name.

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. The Coast Guard then argued that the applicant's legal name at the time of his discharge was reflected accurately on his DD 214 and that a DD 214 is a "snapshot of a veteran's information at the time of separation from service," so no error or injustice had been 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 20, 2025. The applicant stated that he had requested the Coast Guard correct his name "numerous times" due to erroneous typing on his recruit training certificate and discharge paper in 1954. He asserted that his birth name was the name listed second in the case caption on page one of this decision, spelled with a "v", not a "t". He explained that both of those letters are controlled by the left hand's forefinger when typing, and posited that this was likely the reason for the error. He expressed amazement that no one had been willing to acknowledge the error. He went on to explain that after service, he

had changed his name because his biological father had never supported him, his mother, or his sister.

With his response, the applicant included a biographical summary and some of the records which are described in the Summary of the Record section above.

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. The applicant has exhausted available 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. In this regard, the Board notes that although certain Coast Guard policies contain procedures for requesting DD 214 corrections, the applicant has averred that he has requested corrections from the Coast Guard to no avail.

2. The applicant requested a hearing before the Board via video or telephone. The Chair, acting pursuant to 33 C.F.R. § 52.51, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation.³

3. 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 military record, and the applicant bears the burden of proving

³ See *Armstrong v. United States*, 205 Ct. Cl. 754, 764 (1974) (stating that a hearing is not required because BCMR proceedings are non-adversarial and 10 U.S.C. § 1552 does not require them).

by a preponderance of the evidence that the disputed information is erroneous or unjust.⁴ 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.”⁵

Timeliness

4. The application is not timely, as 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 changed his name in 1960, and his initial submission was not received by the Board until 2022, more than 60 years later.

5. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.⁶ 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.”

6. In this case, the applicant has explained that his Coast Guard records were stored at his mother’s home for many years after his period of service, and that once he received them and requested corrections at a U.S. Department of Veterans Affairs (VA) office, he was told it was not necessary, and that he could do it at any time. While a lack of knowledge of the law – in this case, the three-year limitations period – does not generally excuse untimeliness, the Board is authorized to consider the applicant’s explanation of his filing day. In this case, the Board finds the applicant’s explanation to be credible and plausible.

7. The Board also finds, upon cursory review of the record, that the application has potential merit, as partial relief is warranted, for the reasons discussed below.

8. Under these circumstances, the Board finds that the interests of justice warrant a waiver of the statute of limitations. Accordingly, the Board will fully address the merits of the application.

⁴ 33 C.F.R. § 52.24(b).

⁵ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

⁶ 10 U.S.C. § 1552(b).

Typographical Error

9. The applicant has asked the Board to make two record corrections. First, he has asked that the alleged typographical error in his first name on his DD 214 be corrected. Second, that his separation records be corrected to reflect his current legal name. The Board will address each request in turn.

10. As detailed in the Summary of the Record section above, numerous records reflect the applicant's name as the second name in the case caption on page one of this decision, spelled with a "v", not a "t". These records include the applicant's enlistment application and enlistment contract, a consent form completed by his mother, documentation of his release from the reserve component for enlistment in the regular component, and correspondence from the VA. The 1960 civil court order granting the applicant's petition for a name change also uses the applicant's former name spelled with a "v", not a "t", and the order indicates the applicant's name was verified using his birth certificate. The only service records that spell the applicant's first name with a "t" instead of a "v" are the February 1954 recruit training certificate and the DD 214 and separate discharge certificate issued for the applicant's period of service ending June 4, 1954.

11. The Coast Guard appears to have overlooked the typographical error issue in its views submitted in March and April 2025, addressing only whether the applicant's records should be corrected to reflect his current legal name. Thus, the Coast Guard provided no argument or additional evidence suggesting the applicant's legal first name at the time of his service and discharge was spelled with a "t".

12. Under these circumstances, the Board finds the applicant has sufficiently rebutted the presumption of regularity and demonstrated by a preponderance of the evidence that his legal name at the time of his service and discharge was the name listed second in the case caption on page one of this decision. As such, the Board finds that the recruit training certificate and the DD 214 and discharge certificate related to the applicant's June 1954 discharge contain typographical errors. Because the application limits the applicant's request to a correction of his discharge documents, the Board will direct that the Coast Guard issue a corrected DD 214. The Board will also direct that a copy of this decision be placed in the applicant's personnel file.⁷

⁷ With respect to the separate discharge certificate, the Board observes that with the applicant's response to the Coast Guard's views, he submitted a replacement discharge certificate issued by the Coast Guard in 1957 using his current legal name, despite his official name change not occurring until 1960. Under these circumstances, the Board finds that placement of a copy of this decision in the applicant's personnel file sufficiently remedies any potential confusion regarding the discharge certificate, in addition to the recruit training certificate.

Current Legal Name

13. The record shows that at the time of the applicant's enlistment, during service, and at discharge, the name listed second in the case caption was his legal name. There is no indication in the record that the applicant's current legal name was used by the Coast Guard or the applicant during this period. Indeed, the applicant was discharged in 1954 and changed his name in 1960, six years later.

14. Consistent with Coast Guard policy, the applicant's DD 214 was intended to capture data that was accurate at the time of the form's issuance. 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."⁸ 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 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.⁹ 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.

15. To clarify our reasoning more generally, this Board frames its analysis of error and injustice around law and applicable Coast Guard issuances. The Board does not make service policy. We acknowledge that the DD 214 serves the important purpose of connecting veterans to the benefits their prior service entitles them to under law. Unlike other military service records, the DD 214 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 DD 214s for all or certain categories of veterans to facilitate their access to veteran's benefits, employment rights, and other rights or protections. 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.

16. In this case, the Board has determined that the typographical error discussed above warrants correction. The Board finds, however, that the Coast Guard's failure to use the applicant's current legal name on his separation documents did not constitute error, as that was not the applicant's legal name at the time of discharge.

⁸ See BCMR Docket Nos. 2009-060, 2020-115, 2021-071, 2022-010, 2023-005.

⁹ 10 U.S.C. § 1552(a)(1).

17. 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 former legal name (as corrected by this decision) on his DD 214. While the applicant has asked that the correction be made to avoid "complication in future claims," more than speculation is required to warrant the Board's exercise of its authority to correct an error or injustice.¹⁰

18. Based on the record before it, the Board does not find that the evidence establishes an error or injustice warranting correction of the applicant's records to reflect his current legal name.

19. Notwithstanding the above, the Board notes that there is no policy restricting the Coast Guard from making administrative corrections to its own records without the Board's involvement. The Coast Guard determines, to a large extent, the administrative correctness of a DD 214. If Coast Guard policy was to consider DD 214s as correctly reflecting a member's current legal name, then the requested correction would potentially be considered administrative in nature. This is similar to corrections the Coast Guard routinely makes to misspellings, typographical errors, or addition of awards earned during a period of active-duty service. The Board takes no position as to whether the Coast Guard's policy should be to make such corrections, and will leave the issue to the Coast Guard's discretion.

20. 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 former legal name on his DD 214 or other documents, the applicant is invited to apply to the Board, with supporting evidence, for reconsideration of this decision.¹¹

(ORDER AND SIGNATURES ON NEXT PAGE)

¹⁰ See *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.>").

¹¹ The Board infers that the applicant's concern about impacts on "future claims" relates to potential VA benefit claims. In this regard, the Board observes that the VA provides guidance on its website about what documentation and steps are required to update a name in VA and related systems following a legal name change, in various contexts. See <https://www.va.gov/resources/how-to-change-your-legal-name-on-file-with-va/> (last accessed July 9, 2025). Should this process fail to achieve the results desired by the applicant, or should he face any other injustice, he is welcome to apply to this Board for reconsideration.

ORDER

The application of former SA [REDACTED] (formerly [REDACTED]) is granted in part and denied in part.

The Coast Guard will correct the applicant's name on his DD 214 and discharge certificate documenting his period of service ending June 4, 1954, by changing the name [REDACTED] to [REDACTED].

The Coast Guard will place a copy of this decision in the applicant's personnel file.

The applicant's request that his records be corrected to reflect his current legal name is denied.

July 17, 2025

