

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

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**Application for Correction of  
The Coast Guard Record of:**

**BCMR Docket No. 2025-016**

██████████  
**E-3 (Former)**

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**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 September 24, 2024 and assigned the case to a staff attorney to prepare the decision in accordance with 33 C.F.R. § 52.61(c).

This final decision, dated June 26, 2025 is approved and signed by the three (3) duly appointed members who were designated to serve as the Board in this case.

**APPLICANT’S REQUEST AND ALLEGATIONS**

Applicant, ██████████, through his caregiver/healthcare power of attorney (POA), requests two (2) corrections on his DD 214, namely, to change 1) the stated reason for separation, block 28, and 2) the country listed as his place of birth, in block 18. Specifically, Applicant asserts that his DD 214 incorrectly shows the reason for separation to be, “temporary disability.” He states that because he was permanently retired by the USCG on April 8, 2019, his *current* DD 214 should reflect the reason for separation as “Permanent.” As to his second request, he asserts that the country of his place of birth is incorrectly listed on his DD 214, as Panama and should be corrected to the Philippines.

In support of his request, Applicant submitted a Form DD-149, a certificate of live birth purportedly confirming his birth in the Republic of the Philippines, Department of Veterans Affairs disability rating decision (dated August 7, 2013), Department of Veterans Affairs disability letter (dated April 8, 2019), Authorization to Release Information (dated July 24, 2012), medical power of attorney (dated July 10, 2011), and Coast Guard Physical Disability Evaluation Board Findings and Recommended Disposition (dated June 12, 2003).

**SUMMARY OF THE RECORD**

**Disability Status**

Applicant's DD 214 shows that he entered the United States Coast Guard on July 9, 1996, in Fort Jackson, South Carolina, on an initial service contract for four (4) years. He was separated from service on January 31, 1999, with an Honorable discharge, and retired pursuant to temporary disability, under COMDTINST M1000.6A Art. 12-C-10. His effective date of retirement was February 1, 1999.

The record establishes that Applicant's disability and subsequent retirement from service arise from service-connected injuries sustained in a September 1998 motor vehicle accident.<sup>1</sup> As a result of the accident, Applicant suffered a traumatic brain injury (TBI), presenting to a degree warranting separation and a temporary disability designation, RE-2.<sup>2</sup> Applicant was statutorily authorized retired. In 2003, the Coast Guard Physical Disability Evaluation Board (PDEB) assessed Applicant's injuries and determined him unfit for duty. PDEB determined Applicant's disability at 70%. Consequently, he was permanently retired.

The record indicates that Applicant applied to the Department of Veterans Affairs (VA) for disability benefits on March 22, 2012. Pursuant to that application, on August 7, 2013, the VA issued its rating decision, confirming Applicant's brain injury diagnosis and evaluating his ensuing residuals. Based on its assessment of Applicant's cognitive impairment and unclassified residuals of TBI, the VA assigned a disability rating of 70%. Applicant's seizures were determined to be secondary to his brain injury and assigned a 20% rating. No link was found between Applicant's TBI and reported sleep apnea.

On April 8, 2019, the VA rated the Applicant's combined service-connected disabilities at 80%.

No additional DD 214 for the Applicant appears in his record.

**Country of Birth**

Applicant's DD 214 includes his date of birth in Block 5,<sup>3</sup> and, in Block 18 his place of birth is listed in the country of Panama.<sup>4</sup> Applicant's birth certificate shows that he was born in the Republic of the Philippines. The birth certificate is a true copy, certified by Philippine officials as well as the Coast Guard. The dates of birth on Applicant's DD 214 and his birth certificate share the same month, day and year.

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<sup>1</sup> Details of the accident are not included in the record.

<sup>2</sup> Pursuant to PERSMAN Art. 12.B.2.g, RE-2 is a discharge code showing the member is ineligible for reenlistment due to retirement. COMDTINST M1000.6A (8 Jan 1988).

<sup>3</sup> For purposes of privacy, Applicant's date of birth is not reproduced herein.

<sup>4</sup> Although the actual city of Applicant's birth is obviously included in the certificate of live birth he submitted, it is not reproduced in this decision for privacy reasons.

### **VIEWS OF THE COAST GUARD**

On May 6, 2025, the Judge Advocate General of the Coast Guard submitted an advisory opinion recommending the Board grant partial relief in accordance with a memorandum submitted by the Commanding Officer of the Coast Guard Personnel Service Center (CG PSC).

In particular, CG PSC found no basis to grant the Applicant's request to change the narrative reason for separation on his DD 214, from temporary to permanent, but did consider the request to change Applicant's country of birth should be granted. CG PSC reasoned that the reason for separation was not, in fact, erroneous. The record showed that Applicant was discharged on January 31, 1999, and placed on the temporary disability retired list. Only later, in 2003, was Applicant retired based on a permanent disability. Accordingly, there was no error to correct, as the form accurately represented the reason for his discharge—temporary disability.

However, concerning the request to correct Applicant's country of birth, CG PSC noted that Applicant's service record did not contain any documentation establishing his birthplace at the time of accession.<sup>5</sup> PSC reasoned that Applicant's city of birth, as listed on the DD 214, exists nowhere except the Philippines. As such, PSC concluded that the request to correct the country of birth should be granted.

### **APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On May 21, 2025, Applicant's caregiver/health care POA replied to the Chair's invitation to respond to the Coast Guard's Opinion. Through his POA, Applicant responded that he understood and agreed "with the conclusions and the recommendation of modifying" the country of birth, further acknowledging that a DD-215 would be issued reflecting the correction from Panama to the Philippines.

### **APPLICABLE REGULATIONS**

The Coast Guard's instructions for completing the DD 214 provide, in pertinent part,

- A. Criteria for Issuance: 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 civilian status.

\* \* \*

- D. Preparation of the DD Form 214.

2. Accuracy and Completeness. [...]

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<sup>5</sup> Applicant's enlistment paperwork is not part of the record. CG PSC notes documentation from Applicant's accession only.

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a. Period Covered. All entries, unless specified otherwise...are for the current period of active duty only from date of entry as shown in block 12a through the date of separation as shown in block 12b [...].

### E. Instructions for Completing Blocks. [...].

Block 12a. Date Entered Active Duty This Period. Enter the date of entry on active duty.

Block 12b. Separation Date This Period. Enter the effective date of release/discharge. For personnel being retired, enter the last day of active duty in this block and enter the effective date of retirement in block 18, Remarks.[...].

Block 18. Remarks. Entries in this block consist of information not shown elsewhere on the form. Only the entries specified below or in supplementary directives will be made in this block. .... Any unused space will be filled in by diagonal "X's".

\* \* \*

5. Effective Date of Retirement. When a member is being released from active duty and retired, the date of release in block 12b will usually be the day before the effective date of retirement. To show that retired status commences the next day, enter: "Effective date of temporary/permanent retirement: (date)."

8. Place of Birth. Enter city and state of member's place of birth.

Block 23. Type of Separation. Enter the type of separation effected: "DISCHARGED", "RELEASED FROM ACTIVE DUTY", "RETIRED", "RESIGNED", "COMMISSION REVOKED", or other as appropriate. Be specific, but do not enter the reason or character of separation.

Block 28. Narrative Reason for Separation. Only the narrative reason . . . is to be entered--do not enter additional information[...].

COMDTINST M1900.4D (SEP 28 1993).

## 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.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>6</sup> The Applicant received his DD 214 on or about January 31, 1999.

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<sup>6</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

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Based on the showing made, a preponderance of the evidence shows that the applicant knew or should have known of the alleged error in his record on that date. Consequently, the deadline for filing would have been January 31, 2002. The instant application is untimely.

3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>7</sup> 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”<sup>8</sup> 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.”<sup>9</sup> Although the applicant in this case did delay filing the application, the evidence of record reveals a significant, 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.

- a. A review of the merits of this case reveals that Applicant’s claim concerning correction of his country of birth, has merit. Applicant, through his caregiver/healthcare POA, states that his DD 214 contains information about his country of birth that is incorrect.
- b. Applicant’s DD 214 states in block 18, “Remarks,” that his country of birth is Panama.
- c. Applicant submitted materials, including a certified true copy of his certificate of live birth from the Republic of the Philippines, confirming the actual country of birth differs from that stated in block 18 of his DD 214.
- d. The record, reviewed in its entirety, demonstrates the existence of an error in Applicant’s DD 214, in which his country of birth is incorrectly listed.
- e. Accordingly, it is the Opinion of the Board that Applicant’s record be corrected, and DD-215 issue to correct only Applicant’s country of birth, from Panama to the Republic of the Philippines.
- f. As to Applicant’s request to change block 28, “Reason for Separation,” of his DD 214, from “Disability Temporary” to permanent, the record does not support a finding that such a change is warranted.
  - i. Applicant was separated on January 31, 1999, from active duty by reason of temporary disability. This action resulted from a service-related automobile accident.

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<sup>7</sup> 10 U.S.C. § 1552(b).

<sup>8</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>9</sup> *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

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- ii. Applicant's DD 214 accurately reflects in block 12b. that he separated service on January 31, 1999; in block 18, that the effective date of his retirement was 01FEB99, in accordance with the USCG's Instructions; in block 23, that his type of separation was "RETIRED"; and in block 28, that the narrative reason for separation was "DISABILITY TEMPORARY".
- iii. Later, in 2003, the Coast Guard Physical Disability Evaluation Board found Applicant unfit for service. Pursuant to that finding, he was removed from the USCG Temporary Disability Retired List (TDRL) and permanently retired.
- iv. Accordingly, the evidence adduced from the record does not support a finding that the reason for separation, as stated on Applicant's DD 214 issued pursuant to his separation in 1999, was incorrect, as he was deemed temporarily disabled at that time.
- v. The purpose for Applicant's request to change block 28 to "Permanent" is unclear. As a matter of record, no error occurred in the transcription of data, given Applicant's separation status at that time. Furthermore, even if this entry was made in error, it did not result in an injustice to the applicant that warrants correction.

**[ORDER AND SIGNATURE ON NEXT PAGE]**

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**ORDER**

The application of former [REDACTED] USCG, for correction of his military record, is granted, in part, and denied, in part.

Applicant's request that his DD 214 be corrected to change his country of birth from Panama to the Republic of the Philippines, is GRANTED.

Applicant's request to change block 28, "Reason for Separation," on his DD 214, from temporary disability to permanent, is DENIED.

June 26, 2025

