DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2025-122

SR/E-1 (former)

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 July 17, 2025, 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 March 20, 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, claiming to be a former Seaman Recruit (SR/E-1) who was honorably discharged in 1981, 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.

In support of his application, the applicant submitted copies of his senior citizen identification card, social security card, and Department of Veterans Affairs (VA) identification card showing the first name in the case caption (M.S.) as his current name. Applicant also provides a copy of a birth certificate reflecting the second name in the case caption (E.R.). The applicant does not provide documentation to show when his name was purportedly changed, and does not allege error or injustice related to his Coast Guard record.

The applicant requests that the name on his DD 214 be corrected to reflect his current legal name, and claims that "names need to match all documents at DEERs office."

SUMMARY OF THE RECORD

The applicant did not provide the Board with a copy of his DD 214, and the Coast Guard was unable to locate it in their records.

The applicant claims to have been honorably discharged in 1981 as a SR/E-1, and that he served in the Coast Guard under the name E.R.

The applicant presents three documents showing his name as M.S.: a senior citizen identification card, social security card, and VA identification card. The applicant also presents a birth certificate reflecting the name E.R., with a birthdate consistent with that reflected on his senior citizen identification card.

The applicant does not provide a court order or other document to show his name change from E.R. to M.S. The applicant also does not provide any evidence to link the birth certificate for E.R. to the person now named M.S., other than the commonality of birthdate.

VIEWS OF THE COAST GUARD

In memoranda dated October 22, 2025, a Judge Advocate (JA) of the Coast Guard recommended that the Board deny the applicant's requested relief in accordance with the recommendation of the Coast Guard Personnel Service Center (PSC). The Coast Guard was unable to locate records for the applicant. The PSC memo noted that the applicant had provided no evidence that his name was M.S. during his Coast Guard service, and that any records in the name E.R. would therefore not be erroneous.

The Coast Guard included a four-page Coast Guard Member Information (CGMI) document with the advisory opinion. However, it was for a different service member with the same name (E.R.) and therefore irrelevant to the current claim.

APPLICANT'S RESPONSE TO COAST GUARD'S VIEWS

On February 6, 2026, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty days. As of the date of this Board hearing, no response has been received from the applicant.

APPLICABLE LAW AND POLICY

The Board may correct errors or remove injustices in a service member's records pursuant to 10 U.S.C. § 1552(a). "Error" means a mistake of a significant fact or law and includes a violation by the Coast Guard of its own regulations. *See Reale v. United*

States, 208 Ct. Cl. 1010, 1011 (1976) ("'Error' means legal or factual error."); *Ft. Stewart Schools v. Federal Labor Relations Authority*, 495 U.S. 641, 654 (1990) ("It is a familiar rule of administrative law that an agency must abide by its own regulations."). Injustice, when not also error, is treatment by the military authorities that "shocks the sense of justice." *Sawyer v. United States*, 18 Cl. Ct. 860, 868 (1989) citing *Reale v. United States*, 208 Ct. Cl. 1010, 1011 (citing *Reale v. United States*, 529 F.2d 533 (Table) (Ct. Cl. 1976), *rev'd on other grounds,* 930 F.2d 1577 (Fed. Cir. 1991)). The Board has authority to determine whether an injustice exists on a "case-by-case basis." Docket No. 2002-040 (DOT BCMR, Decision of the Deputy General Counsel, Dec. 4, 2002).

"It is the responsibility of the Applicant to procure and submit with his or her application such evidence, including official records, as the Applicant desires to present in support of his or her case." 33 C.F.R. § 52.24(a). "The Board begins its consideration of each case presuming administrative regularity on the part of the Coast Guard and other Government officials. The Applicant has the burden of proving the existence of an error or injustice by the preponderance of the evidence." 33 C.F.R. § 52.24(b). 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." *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

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.

2. An application is untimely if not submitted to the Board within three years after the applicant discovered the alleged error or injustice underlying the application, but the Board may excuse untimeliness if it is in the interests of justice to do so. In this case, the applicant claims to have been discharged from the Coast Guard in 1981. He does not assert when his name was allegedly changed, but he presents a social security card with the name M.R. that was issued on October 30, 2014. As a result, the applicant was aware of the alleged error by at least that date, which was more than 10 years before he applied to the Board on April 30, 2025. Applicant asserts no basis to consider a later date of discovery of this alleged error or injustice. His application is therefore untimely

3. 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, 164 (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." *Id.*

4. The Board first turns to the reasons for the applicant's delay. The applicant does not provide any justification or explanation for his untimely application, as would normally be reflected in block 16 of the Application for Correction (DD Form 149).

5. The Board next analyzes the potential merits of the claim based on a cursory review. The applicant does not assert any error or injustice in his Coast Guard record. He does not allege, for example, that he actually served in the Coast Guard by the name M.S. While the record in this case does not clearly establish that the applicant ever served in the Coast Guard, such documents would not alter the analysis. Even if the applicant had presented a DD 214 in the name E.R. and a court order changing his name from E.R. to M.S. at a date subsequent to his discharge, we would not favorably consider his request. Consistent with Coast Guard policy, the DD 214 is 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."[1] 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

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

based on error or injustice.[2] 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. The applicant does not provide us with his DD 214, and does not allege error by that standard.

6. This Board may also correct records upon a finding of injustice, even when no error exists. Injustice goes beyond mere inconvenience; it is the result of conduct that "shocks the sense of justice." (*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.")). In this case, the applicant asks for the record correction to "match all documents at DEERs office." The applicant may experience some inconvenience when presenting his DD 214 to prove his veteran status, such as having to present additional documentation like the judgment entry that legally changed his name and/or current photo identification. This is not unlike any other applicant who experiences the relatively common occurrence of a name change following discharge from active duty. The applicant does not allege, and provides no evidence to support, that this inconvenience amounts to an injustice based on the specific facts of his situation.

7. The Board finds that there was not sufficient justification for the applicant's delay, and that his claim lacks potential merit based upon a cursory review. It is therefore not in the interest of justice to excuse the applicant's untimeliness. Relief is denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

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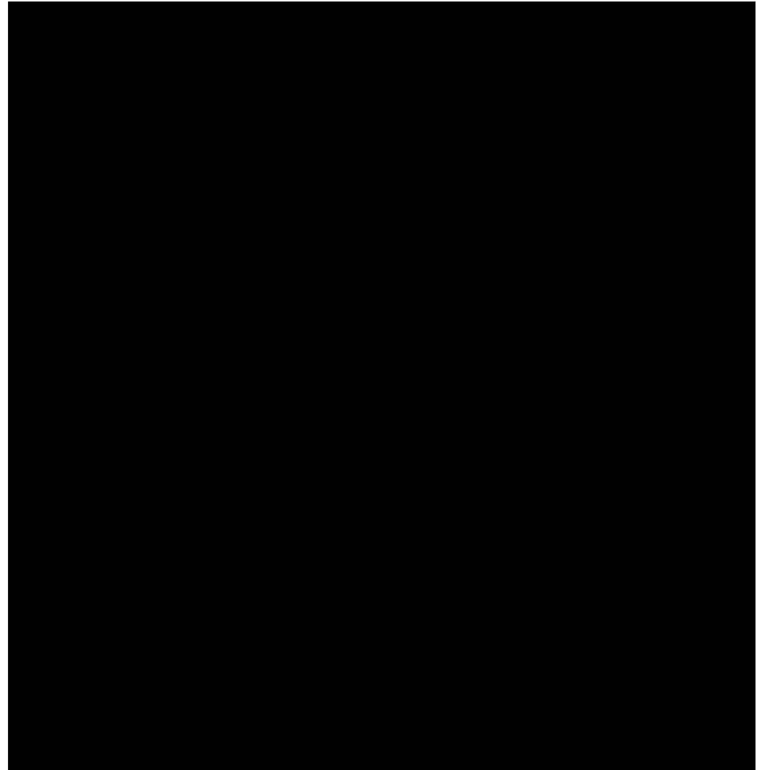
[2] 10 U.S.C. § 1552(a)(1).

ORDER

The application of former SR [redacted] to reflect his current legal name is denied.



March 20, 2026