

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

---

Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2015-073**

██████████  
██████████ SN (former)

---

**FINAL DECISION**

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the applicant's completed application on March 30, 2015, and prepared the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated February 5, 2016, 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 asked the Board to correct his record by changing the Character of Separation shown on his 1953 discharge form, DD 214, from "released to inactive duty" to "honorable." The applicant stated that he received an honorable discharge and so his Character of Separation on his DD 214 should state "honorable" and that he believes the mistake is just an administrative error. The applicant explained that he is applying to enter a veterans' home and needs his DD 214 to accurately reflect his Character of Separation. He alleged that he did not realize that the Character of Separation block on his DD 214 was erroneous until July 2014, when he was applying to the veterans' home.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on December 7, 1951. On December 3, 1953, he was released from active duty due to "personal hardship" because his father, a farmer, had suffered a severe injury and would be unable to do the farm work for at least a year.

The applicant's final average performance marks in the Coast Guard (on a 4.0 scale) were 3.45 for proficiency in rating; 3.19 for leadership and military factors; and 4.0 for conduct, which qualified him for an honorable discharge. Several documents in his record show that he was awarded an honorable discharge, and he was issued an honorable decorative discharge certificate. On his DD 214, however, the block that is supposed to show the character of his

separation states “released to inactive duty” instead of “honorable.” (The fact that he was released to inactive duty is also properly shown in the block for Type of Separation on the DD 214.)

### **APPLICABLE LAW AND REGULATIONS**

The Board does not have the instructions for preparing DD 214s in effect in 1953. However, the instructions in effect since 1973, COMDTINST M1900.4 (series), specify that the Character of Separation/Service block on the DD 214 shall show the character of the separation the member was awarded, such as “honorable” or “dishonorable,” and the Type of Separation block shall show such types of separation as “discharged,” “retired,” or “released.”

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

On September 15, 2015, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant relief. The JAG adopted the findings and recommendations provided in a memorandum on the case prepared by the Personnel Service Center (PSC).

PSC stated that the applicant was eligible for an honorable discharge based on his final average marks and lack of a conviction by court-martial and his military records other than his DD 214 show that he received an honorable discharge. PSC further stated that the Character of Separation block on the applicant’s DD 214 should show his honorable discharge rather than the type of separation (“release to inactive duty”). Therefore, PSC recommended that the Board grant relief.

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

On September 17, 2015, the BCMR sent the applicant a copy of the Coast Guard’s views and invited him to respond in writing within 30 days. No response was received.

### **FINDINGS AND CONCLUSIONS**

The Board makes the following findings and conclusions on the basis of the applicant’s military record and submissions, the Coast Guard’s submission 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>1</sup> The applicant stated that he discovered the error on his DD 214—the entry in the Character of Separation block—in March 2014. Because the applicant received his DD 214 in 1953, the Coast Guard argued that his application is untimely. However, to someone who does not know how the military services define the terms “Type of Separation” and “Character of Separation,” the applicant’s DD 214 is not obviously erroneous because he

---

<sup>1</sup> 10 U.S.C. § 1552(b); 33 C.F.R. § 52.22.

was, in fact, released to inactive duty upon his separation, as his Character of Separation block states. It is not clear how the applicant was supposed to know in 1953 or to learn in the interim that “released to inactive duty” was not an accurate entry in the Character of Separation block on his DD 214. Therefore, the Board finds that the preponderance of the evidence shows that he discovered the disputed error in March 2014 when he was applying to a veterans’ home, and his application was timely filed within three years of his discovery of the alleged error.

3. The applicant alleged that the Character of Separation block on his DD 214 is erroneous because it states “released to inactive duty” instead of “honorable.” 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 his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.<sup>2</sup> 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.”<sup>3</sup>

4. The Coast Guard has stated that the applicant was eligible for and received an honorable discharge and that the Character of Separation block on his DD 214 should therefore state “honorable.” The Board agrees that in light of the applicant’s honorable discharge and the longstanding definition of and distinction between the terms “Character of Separation” and “Type of Separation,” the entry in the Character of Separation block on the applicant’s DD 214 is erroneous and should be corrected to state “honorable.”

5. Accordingly, relief should be granted by correcting the applicant’s DD 214 to show that his Character of Separation is honorable.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

---

<sup>2</sup> 33 C.F.R. § 52.24(b).

<sup>3</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

**ORDER**

The application of former SN [REDACTED], USCGR, for correction of his military record is granted. The Coast Guard shall correct his DD 214 dated December 3, 1953, to show that he received an honorable discharge.

February 5, 2016

