


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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2019-113


S1c (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 completed application on April 8, 2019, and assigned the case to the Deputy Chair to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated July 24, 2020, 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 Seaman First Class who was honorably discharged from the Coast Guard, asked the Board to correct his record by updating his dates of service. He alleged that he received a letter on February 7, 2019, that incorrectly stated that he served from September 6, 1945, until November 25, 1946. The applicant argued that he actually served from September 30, 1943, until February 19, 1946. However, the applicant did not provide a copy of the letter.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve on September 30, 1943. Several documents in his military record, including his Enlistment Contract, reflect this date. His Enlistment Contract further states that he was to serve for three years, unless he was discharged at an earlier date. He was immediately placed on active duty status.

After two years, four months, and twenty days in the Coast Guard, the applicant was honorably discharged on February 19, 1946. He received a Notice of Separation from the U.S. Naval Service—Coast Guard (NAVCG-553).¹

¹ The separation form issued in most recent years is the Certificate of Release or Discharge from Active Duty (DD-214). Before January 1, 1950, several similar forms were used by the military services, including the NAVCG-553.

VIEWS OF THE COAST GUARD

On September 4, 2019, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which she recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC stated that the applicant's military record correctly reflects his dates of service in the Coast Guard. Specifically, PSC stated that the applicant's Enlistment Contract shows that he enlisted on September 30, 1943, and that his Notice of Separation shows that he was discharged on February 19, 1946. PSC stated that a copy of the letter documenting the incorrect dates of service was requested from the applicant, but PSC did not receive a response.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On September 10, 2019, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty days. In his response, the applicant reiterated that he wanted his record corrected. He acknowledged that the Coast Guard's records of his service are correct. Instead, he argued that the letter from the VA dated February 7, 2019, incorrectly states that he served in the Army from September 6, 1945, until November 25, 1946. He stated that he never served in the Army.

In researching the case, the Deputy Chair called the Benefits Office at the VA. The VA representative confirmed that a standard Tax Abatement letter was mailed to the applicant on February 7, 2019. In the letter, it stated that the applicant had served in the Coast Guard from September 30, 1943, until February 19, 1946. It further stated that the applicant had served in the Army from September 6, 1945, until November 25, 1946.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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. The application is timely because it was filed within three years of the applicant's discovery of the alleged error or injustice in his Coast Guard record, as required by 10 U.S.C. § 1552(b).
3. The applicant alleged that his service dates in his Coast Guard military record are erroneous and unjust. 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 by a preponderance of the evidence that the disputed information is erroneous or unjust.² Absent evidence to the

² 33 C.F.R. § 52.24(b).

contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties “correctly, lawfully, and in good faith.”³

4. The applicant initially argued that his dates of service in the Coast Guard are incorrect as documented in a letter from the VA dated February 7, 2019. However, in response to the advisory opinion, he clarified that the VA’s letter incorrectly states that he served in the Army from September 6, 1945, until November 25, 1946. Both the applicant and PSC confirmed that the applicant served in the Coast Guard from September 30, 1943, until February 19, 1946. These dates are stated correctly in all of his military records and in the letter from the VA. As such, there is no corrective action for the Board or the Coast Guard to take because his dates of service in his Coast Guard record are accurate.

5. The letter dated February 7, 2019, was sent to the applicant by the VA. Neither the Board nor the Coast Guard has the authority to correct VA letters. Instead, since the applicant argued that the VA’s letter incorrectly states that he served in the Army, he should contact both the Army and the VA to request correction of his records, tell them that he never served in the Army, and include a copy of the VA’s erroneous letter with his request. Instructions for contacting the Army and VA are as follows:

a. The applicant should first request a copy of his (alleged) Army records from the National Personnel Records Center by mailing an SF-180 to the following address:

National Personnel Records Center
1 Archives Drive
St. Louis, Missouri 63138

b. Since the applicant alleged that he did not serve in the Army, he should forward the response from the National Personnel Records Center, which will presumably document his lack of Army service, to the Department of Veterans Affairs at the following address with a copy of the VA’s letter and ask them to remove any Army service from his VA records:

Department of Veterans Affairs Claims Intake Center
PO BOX 5235
Jamesville MI 53547-5235

c. Finally, if the applicant receives a record from the Army that he believes to be incorrect (not his own), he should then apply to the Army Board for Correction of Military Records by submitting a DD 149 application form to the following address along with copies of this decision, the VA’s letter, and the incorrect Army records:

Army Review Boards Agency (ARBA)
251 18th Street South, Suite 385
Arlington, VA 22202-3531

³ *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. Accordingly, the applicant's request for correction of his time in the Coast Guard should be denied because his Coast Guard records are accurate, but the Board recommends that he take the actions listed in Finding 5, above.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former S1c [REDACTED], USCG, for correction of his military record is denied, but the Board recommends that he take the actions listed in Finding 5, above, to seek correction of his incorrect VA and Army records.

July 24, 2020

