

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-040

Formerly [REDACTED]
SN (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 February 2, 2024, 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 December 19, 2024, 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 Boatswain's Mate, Second Class (BM-2/E-6), who was Honorably discharged on August 24, 2014, asked the Board his record to include a specific search and rescue case that he took part in while serving on active duty. The applicant claimed this change is necessary in order for him to advocate for himself before the Department of Veterans Affairs (VA). Specially, the applicant has requested that the Board order the Coast Guard to include the following language on his DD-214: "[Applicant] was involved in a search and rescue case which involved a woman jumping from the [redacted] bridge. This is the basis of Iain Melchizedek's PTSD [Post-Traumatic Stress Disorder]. CG Incident Number [redacted]. The name of the victim was [redacted]."

The applicant alleged that the aforementioned search and rescue case is the basis for his PTSD and the reason he filed a disability compensation claim with the VA. However, he explained that the VA has denied his claim because his military record omits this search and rescue case from his DD-214. According to the applicant, VA personnel have verbally stated to him that the search and rescue case did not happen, and the VA's denial is based solely on the fact that the incident is not reflected on his DD-214. The applicant stated that he was not aware of any federal, state, or military code or regulation that required search and rescue cases be documented on a DD-214 in order for a service member to prove the validity of a search and rescue case. The applicant

explained that he has received psychiatric services from the VA as a result of this search and rescue case and despite the fact that this search and rescue case is the basis for his PTSD, the VA has deemed his experiences as invalid, which is unjust. Accordingly, he requests to have the search and rescue case added to his DD-214. The applicant stated that Coast Guard search and rescue teams are involved in countless search and rescue cases each year, and all go undocumented on a service member's DD-214, which is what makes the VA's requirement for his case unjust.

The applicant contended that despite receiving treatment from specialized psychiatrists from the VA for the search and rescue experience, the VA claim representatives continue to deny him benefits and render his experiences as invalid. The applicant alleged that while the VA acknowledges the search and rescue happened amongst its medical and clinical staff, the VA claims department refuses to acknowledge that it happened. The applicant claimed that this is another injustice that goes against reason, common sense, logic, and fairness.

To support his application, the applicant submitted state police reports that document the Coast Guard's involvement with the case.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on February 11, 2003, and trained as a Boatswain's Mate. She was discharged on August 24, 2014.

VIEWS OF THE COAST GUARD

On September 19, 2024, a Judge Advocate (JA) for the Coast Guard submitted an advisory opinion in which he 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).

The JAG argued that the applicant's request to add a specific search and rescue case to his DD-214 should be denied because it is against Coast Guard policy. To support his argument, the JA relied upon the analysis provided by PSC, wherein PSC claimed that the manual the Coast Guard relies upon in completing DD-214s, PSCINST 1900.1, does not authorize the Coast Guard to include search and rescue cases on a DD-214.

Moreover, the JA argued that the applicant's request for relief should be denied because the injustice he alleges is with the VA, not with the Coast Guard. The JA stated that on Page 3 of the applicant's application, the applicant states, "[a]lthough I have received treatment from psychiatrists at the Veterans' Affairs for the specific search and rescue case which is the basis of my PTSD, the claim representatives have still deemed my experience invalid. This is an injustice." The JA argued that this is the sole instance in which the applicant claims an injustice occurred, and it is in relation to the VA's claims representatives, not the Coast Guard. The JA contended that alleged injustices by non-military agencies such as the VA cannot be construed to be "treatment by military authorities that shocks the sense of justice." The JA stated that based on these facts, no injustice exists and the applicant's claim for relief should be denied.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 18, 2024, the Chair sent the applicant a copy of the Coast Guard's advisory opinion and invited him to respond within thirty days. As of the date of this decision, no response has been received.

APPLICABLE LAW AND POLICY

The Certificate of Release or Discharge from Active Duty, DD Form 214 Manual (September 1993), COMDINST M1900.4D, provides the following guidance on the required information for the DD-214:

Article E.

Block 13. Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized (all periods of service).

1. General. Enter all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service. No authorities will be cited.
2. Purple Heart. When the Purple Heart was awarded, enter a description of any wound received as a result of action with enemy forces and the date and geographical location at the time the wound was inflicted.
3. Good Conduct Awards. In case of the Good Conduct Medal/Awards, enter the number of the award and the terminal date of the period for which the award was authorized, e.g., "Second Good Conduct Award for period ending (date)".
4. Expeditionary Medal. When the member is entitled to either the Navy Expeditionary Medal or the Armed Forces Expeditionary Medal, enter the area of operations, in parenthesis, after the name of the medal, e.g., "Navy Expeditionary Medal (Cuba)", or "Armed Forces Expeditionary Medal (Vietnam)".

Block 14. Military Education. To assist the former service member in employment placement and job counseling, those formal service schools and in-service training courses captured in PMIS/JUMPS and successfully completed during the period of service covered by the form will be in this block, e.g., medical and dental, electronics, supply administration, personnel, or heavy equipment operations. Enter all course titles, number of weeks, and year completed, from the date entered in block 12a through the date entered in block 12b.

...

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. (See Chapter 10, Section A, CG PAYMAN, COMDTINST M7220.29 (series)). Repetition of information included in other blocks adds nothing and obscures essential data. Any unused space will be filled in by diagonal "X's".

1. Continuation of Information. Continue in this block any information which cannot be completed within the space provided. In such cases, a cross reference must be made to indicate the items being continued e.g., "Block 12 continued". If more space is required, a continuation sheet made of bond paper will be prepared. It will contain a reference: the DD

Form 214 is being continued, information from block 1 through 4; the appropriate block(s) being continued; the member's signature; date; and the authorizing officer's signature.

2. Home of Record at Time of Entry on Active Duty. Enter in this block the following: "Home of Record at Time of Entry on Active Duty"; and cite the city and state.

3. Discharge for Physical Disability. In cases of personnel being discharged for reason of physical disability, one of the entries below shall be made. Members who plan to apply for veterans' compensation or pension should be advised that it is to their best interest to apply at the time of separation. If they wait, they may expect delay in the processing of their applications until the Department of Veterans Affairs can obtain their medical records from the Coast Guard. In no case will the nature of the disability be described. Enter the appropriate one of the following statements:

...

4. Involuntary Release of Reserves. An entry showing the amount and date of payment of lump-sum readjustment pay to members of the Coast Guard Reserve involuntarily released from active duty will be made using the following format: "READJUSTMENT PAY \$14,421.60 (\$600.90 x 2 x 12) 3/26/73".

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)."

6. Reservist's Travel Time. When a reservist is released from active duty and is entitled to travel time, enter in this block the actual date the reservist was last on active duty and the number of days travel time added to arrive at the effective date of release entered in block 12b as follows: "Last date of active duty: (date). 4 days travel time."

7. Extension of Enlistment/Active Service. When a member's enlistment or active duty commitment was extended, except for the purpose of making up lost time under Title 10, U.S.C. 972, the term of such extension shall be entered in block 18 as shown below. For purposes of reemployment rights under PL 90-491, any extension of enlistment or active service, whether voluntary or involuntary, is considered to have been for the Convenience of the Government and shall be so noted on the DD Form 214 as follows: "Enlistment/Active service term extended for (term) on (date). Extension was at the request of and for the Convenience of the Government."

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

9. Selective Service Registration. Enter in this block the following statement for all male separatees born during the year 1960 and thereafter: "Advised of requirements for Selective Service Registration."

10. Disability Severance Pay. The statement, "No disability severance payment made", will NOT be placed in this block if member's separation is for any reason other than disability.

11. Non-pay/Excess Leave Days. Enter the inclusive dates of any non-pay/excess leave days from date entered in block 12a through the date entered in block 12b.

12. Type of Certificate Issued

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13. Montgomery GI Bill: Enter the following statement inserting the appropriate number of years as shown: “MGIB INFO: MEMBER'S INITIAL SERVICE CONTRACT WAS FOR (NUMBER OF YEARS).”

14. Enlistment/Reenlistment Information: Enter the following statement, inserting the appropriate Period of Service, Reenlistment (RE) Code, Separation Program Designator (SPD), and Time Lost (TL) during this period as shown below. “This DD-214 covers multiple enlistments/ reenlistments as reflected in blocks 12a, 12b, and 12c. The following information applied regarding each enlistment/reenlistment:”

...

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 over this matter under 10 U.S.C. § 1552(a) because the applicant is requesting correction of an alleged error or injustice in his Coast Guard military record. The Board finds that the applicant has exhausted his 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. The application was timely because it was filed within three years of the applicant’s discovery of the alleged error or injustice in the record, as required by 10 U.S.C. § 1552(b).¹

3. The applicant alleged that his DD-214 is erroneously missing pertinent information regarding a search and rescue mission he participated in which is causing him to be denied VA benefits. 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 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. Regarding the applicant’s claim that his DD-214 is missing pertinent information about a search and rescue case he took part in that has resulted in him suffering from PTSD, the Board will begin its analysis by noting that the applicant has failed to point to a specific error or injustice that the Coast Guard itself was responsible for. The entirety of the applicant’s claim deal with injustices by the Department of Veterans Affairs, not the Coast Guard. The applicant himself

¹ Although the applicant was separated in 2014 and did not submit his application for relief until February 2024, the applicant has alleged that he did not learn about the error until 2023, when the VA allegedly informed him that his DD-214 lacked necessary information. Because the applicant’s request revolves around denial of VA benefits, the Board is persuaded that the applicant did not discover the alleged error until 2023, therefore making his application for relief timely.

² 33 C.F.R. § 52.24(b).

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).

admitted that there is no policy that requires search and rescue missions to be reflected on a member's DD-214 and the applicant is correct. The entirety of the applicant's basis for relief is injustices he believes were committed, not by the Coast Guard, but by the Department of Veterans Affairs, a separate and distinct agency with records this Board does not have the authority to correct. However, the Board also notes that the applicant is suffering from a mental health issue that may have prevented him from fully and accurately presenting his claims to the Board. For those reasons, the Board will address the applicant's allegations in their entirety.

5. The applicant has asked this Board to include the following specific language on his DD-214: "[Applicant] was involved in a search and rescue case which involved a woman jumping from the [redacted] bridge. This is the basis of [Applicant's] PTSD [Post-Traumatic Stress Disorder]. CG Incident Number [redacted]. The name of the victim was [redacted]." However, as argued by the Coast Guard, there is no policy that permits such a statement from being included on a member's DD-214. Regarding Block 18, where additional information not provided elsewhere on a DD-214 would be inserted, Coast Guard policy states, "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." Of the 14 permissible entries, search and rescue cases are not included.

Moreover, the applicant's request would result in an unmanageable process for those processing departing Coast Guard members' DD-214s because the processors would need to inherently know which search and rescue cases would need to be included on a member's DD-214 and which ones would not. The only other option would be to require the Coast Guard to include every search and rescue case a service member took part in over the length of their career which would be an untenable requirement and beyond this Board's authority. Finally, specific language of the applicant's request requires that this Board make a definitive declaration that the specific search and rescue mission was the singular basis for the applicant's PTSD and that is not this Board's role. This Board is not a medical board and does not have the expertise or qualifications, first to declare that the applicant does in fact suffer from PTSD and then to declare with certainty that the applicant's PTSD was the direct result of that specific search and rescue mission. Accordingly, the Board finds that the applicant has failed to prove, by a preponderance of the evidence, that the Coast Guard committed an error or injustice when it failed to include a specific search and rescue mission on the applicant's DD-214.

6. For the reasons outlined above, the applicant has not met his burden, as required by 33 C.F.R. § 52.24(b), to overcome the presumption of regularity afforded the Coast Guard that its administrators acted correctly, lawfully, and in good faith.⁴ He has not proven, by a preponderance of the evidence, that the Coast Guard erred when it failed to properly include specific language relating to a search and rescue mission he took part in while still on active duty. His request for relief should therefore be denied.

⁴ *Muse v. United States*, 21 Cl. Ct. 592, 600 (1990) (internal citations omitted).

ORDER

The application of former BM2 [REDACTED], formerly [REDACTED], USCG, for the correction of his military record is denied.

December 19, 2024

