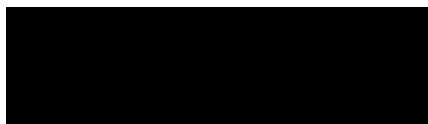


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2017-011



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 and military records on October 24, 2016, and assigned it to attorney [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated July 7, 2017, 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, who served in the Coast Guard Reserve and was transferred to retired status on August 3, 2000, alleged that she never received a DD 214¹ upon her discharge and asked the Board to correct her record by issuing her a DD 214 reflecting her service in the Reserve. She stated that her town requires a DD 214 to issue a veteran's discount on taxes. Although the applicant was separated from the Coast Guard Reserve in 2000, she did not submit her application to the Board until August 31, 2016.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve on August 4, 1973, for an initial period of two years. Following recruit training, the applicant remained in the Coast Guard Reserve and continued to drill regularly. She performed many short periods of active duty and advanced to the rank of Chief Yeoman. She was transferred to retired status on August 3, 2000.

¹ The DD 214, "Certificate of Release or Discharge from Active Duty," 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 a civilian status. Chapter 1.A. of COMDTINST M1900.4D. Reservists released from a period of continuous active duty for training (ADT) of fewer than 90 days are not eligible to receive a DD 214.

APPLICABLE LAW AND REGULATIONS

Department of Defense Instruction 1336.01 was issued on August 20, 2009, and Paragraph 2.d. states that personnel being separated from a period of active duty for training, full-time training duty, or active duty for special work will be furnished a DD 214 when they have served 90 days or more, or when required by the Secretary of the Military Department concerned for shorter periods.

Chapter 1.A.2. of COMDTINST M1900.4A,² the instructions for preparing DD 214s, states that reservists being released from active duty for training are eligible for a DD 214 if they are being separated from a period of active duty of at least 90 days.

VIEWS OF THE COAST GUARD

On March 1, 2017, the Judge Advocate General of the Coast Guard submitted an advisory opinion recommending that the Board grant alternative relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC).

PSC argued that the application is untimely and should not be considered by the Board beyond a cursory review. Notwithstanding the untimeliness, PSC argued that the applicant is not eligible to receive a DD 214 for her service in the Reserve because the Department of Defense Instruction (DoDI) 1336.01 states that DD 214s are issued to active duty service members, and reservists are not active duty service members. Moreover, PSC argued, paragraph 2.d. to the DoD instruction specifically states that personnel being separated from “a period of active duty for training, full-time training duty, or active duty for special work will be furnished a DD Form 214 when they have served 90 days or more.” PSC noted that the applicant was not an active duty member nor was she discharged from a period of active duty for training, full-time training duty, or active duty for special work of 90 days or more. Therefore, PSC argued, the applicant is not eligible for a DD 214 and has not met her burden of showing that there is an error or injustice in her record. However, PSC recommended that the applicant be issued a verification letter of service for her time in the Coast Guard Reserve for her use in applying for a discount on her taxes.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On March 7, 2017, the Board sent the applicant a copy of the Coast Guard’s views and invited her to respond within thirty days. The applicant responded on March 22, 2017, and stated that she did not object to the Coast Guard’s recommendation, and that she was thankful for the Board’s time.

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:

² COMDTINST M1900.4A was issued in 1975. It is the earliest complete copy of this manual available to the Board.

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.³ The applicant was separated from the Coast Guard Reserve in 2000 but did not submit her request for a DD 214 to the Board until August 31, 2016. Therefore, the preponderance of the evidence shows that the applicant knew of the alleged error in her record in 2000 and her application is untimely.
3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.⁴ 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”⁵ 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.”⁶
4. Regarding the delay of her application, the applicant stated that she would like to receive a discount on her taxes and needs a DD 214 to do so. The Board finds that the applicant knew or should have known in 2000 that she had not received a DD 214, and she failed to show that anything prevented her from seeking correction of the alleged error or injustice more promptly.
5. A cursory review of the merits of this case indicates that the applicant’s request for a DD 214 lacks merit because she is not eligible to receive a DD 214 for her drills or short periods of active duty for training in the Coast Guard Reserve. She is not eligible to receive a DD 214 because Paragraph 2.d. of DoDI 1336.01 and Chapter 1.A.2. of COMDTINST M1900.4A state that reservists released from ADT of fewer than 90 days are not eligible to receive a DD 214, and the record shows that the applicant did not perform any continuous period of active duty for training of at least 90 days.
6. Accordingly, the Board will not excuse the application’s untimeliness or waive the statute of limitations. The applicant’s request for a DD 214 should be denied.
7. The record shows, however, that the applicant faithfully served in the Coast Guard Reserve from August 4, 1973, to August 3, 2000, and she is certainly entitled to documentation of her military service. Accordingly, the Board will grant alternative relief by directing the Coast Guard to prepare a Verification Letter of Service for the applicant to formally document her inactive and active service in the Reserve.

³ 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

⁴ 10 U.S.C. § 1552(b).

⁵ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁶ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

ORDER

The application of former [REDACTED] USCGR (Retired), for correction of her military record is denied, but alternative relief is granted: The Coast Guard shall prepare and send her a Verification Letter of Service which captures her active and inactive service in the Coast Guard Reserve.

July 7, 2017

