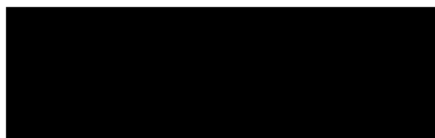


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2017-034



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 November 18, 2016, and prepared the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated June 16, 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 was a member of the Coast Guard Reserve for eight years from June 2006 to June 2014, asked the Board to correct his record by adding a DD 214, Certificate of Discharge or Release from Active Duty, to document his military service. He submitted a letter from the Coast Guard Personnel Service Center indicating that he had requested such documentation and was told there was none in his record.

APPLICABLE POLICY

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.B.10. of COMDTINST M1900.4D, the manual for preparing DD 214s, states that reservists released from active duty for a continuous period of fewer than 90 days are not eligible to receive a DD 214.

VIEWS OF THE COAST GUARD

On March 28, 2017, the Judge Advocate General (JAG) submitted an advisory opinion recommending that the Board grant alternate relief and adopting the findings and analysis provided in a memorandum on the case prepared by the Personnel Service Center (PSC).

PSC stated that the applicant's request for a DD 214 should be denied because he did not perform any period of active duty that qualified for a DD 214. PSC submitted a printout of the applicant's pay records showing that he performed about seven weeks of active duty to attend recruit training upon his enlistment; about ten weeks of active duty to attend boatswain's mate (BM) "A" School in the summer of 2007; and thereafter about two weeks of annual training each in 2009, 2010, 2011, and 2012.

PSC stated that the applicant is ineligible for a DD 214 because he did not perform a continuous period of active duty of 90 days or more. However, PSC noted, the applicant is entitled to a statement of service documenting his total active and inactive duty. PSC submitted with the advisory opinion a copy of a letter containing a statement of service for the applicant. It shows his name, date of birth, branch of service, rank, social security number, character of service, entry date, date of separation, total active duty (4 months and 1 day), and total inactive duty (7 years, 7 months, and 29 days).

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 2, 2017, the applicant replied to the Coast Guard's advisory opinion and stated that he did not object to the proposed alternative relief.

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. The application was timely filed within three years of the applicant's discharge from the Coast Guard Reserve without a DD 214.

2. The applicant alleged that his Coast Guard record is erroneous in that it lacks a DD 214 documenting his service in the Reserve. 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.¹ 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."²

¹ 33 C.F.R. § 52.24(b).

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

3. The preponderance of the evidence shows that the applicant is not entitled to a DD 214 because as a member of the Reserve he did not perform a continuous period of active duty of at least 90 days.³ Therefore, his request for a DD 214 Certificate of Discharge or Release from Active Duty should be denied.

4. Nonetheless, the applicant is entitled to documentation of his military service. Therefore, as PSC recommended, the Board finds that the Coast Guard shall issue the applicant a statement of service and enter this documentation in his military record, if it has not already done so.

(ORDER AND SIGNATURES ON NEXT PAGE)

³ COMDTINST M1900.4D, Chap. 1.B.10.

ORDER

The application of former [REDACTED], USCGR, for correction of his military record is denied, but alternative relief is granted: The Coast Guard shall issue him a statement of service verifying his total military service and enter it in his military record if it has not already done so.

