

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

Application for Correction
of the Coast Guard Record of:

BCMR Docket No. 2009-244

**XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX**

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case upon receipt of the applicant's completed application on August 28, 2009, and subsequently prepared the final decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated May 27, 2010, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED AND ALLEGATIONS

The applicant asked the Board to correct his DD 214 (certificate of discharge from active duty) by adding the words "Reservist demobilizing in support of a contingency operation." The applicant alleged that he was denied Reserve Educational Assistance after his release from active duty because his DD 214 did not contain the requested language. The applicant, a reservist, was involuntarily ordered to active duty from May 14, 2008 to August 15, 2008, in support of a national emergency.

VIEWS OF THE COAST GUARD

On December 18, 2009 the Board received an advisory opinion from the office of the Judge Advocate General (JAG) of the Coast Guard. The JAG concurred with the comments provided by the Commander, Personnel Service Center (PSC), which were attached as an enclosure to the advisory opinion.

PSC recommended that the applicant's request be granted because the applicant was recalled in support of a national contingency and that his DD 214 for this active duty period does not account for the applicant's recall to active duty under Title 10 of the United States Code. PSC stated that according to Chapter 11, step 5 of the Pay and Procedures Manual, block 18 of the applicant's DD 214 should have included the following notations:

Member recalled under Title 10 and participated in Operation Noble Eagle;
Member's duty location while on active duty: Sector Jacksonville;
Member did not serve in designated imminent danger pay area; and
Cumulative career active duty service: 10 months 11 days.¹

PSC recommended that relief be granted by correcting the applicant's record through the issuance of a DD 215 with the above information.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On February 19, 2010, the Board received the applicant's response to the advisory opinion. He agreed with it.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions of the applicant and the Coast Guard, the military record of the applicant, and applicable law.

1. The BCMR has jurisdiction of the case pursuant to section 1552 of title 10, United States Code. The application was timely.

2. The JAG found, and the Board agrees, that the Coast Guard committed an error by not documenting on the applicant's DD 214 his recall to active duty for a national emergency under title 10 of the United States Code. The Board further agrees with the JAG that a DD 215 should be issued correcting this error by adding the following notations in block 18: member recalled under Title 10 and participated in Operation Noble Eagle; member's duty location while on active duty: Sector Jacksonville; member did not serve in designated imminent danger pay area; and cumulative career active duty service: 10 months 11 days.

3. The applicant agreed with the recommended relief.

4. Accordingly, the applicant's request should be granted.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

¹ Although PSC recommended that the notation "[a]ll medals/awards received by member are documented in block 13" be added to block 18, such additional language appears to be unnecessary because the applicant's medals and awards are already documented in block 13 of the DD 214.

ORDER

The application of XXXXXXXXXXXXX, USCGR, for correction of his military record is granted as follows:

His DD 214 shall be corrected by issuing a DD 215 with the following notations added to block 18: Member recalled under Title 10 and participated in Operation Noble Eagle; Member's duty location while on active duty: Sector Jacksonville; Member did not serve in designated imminent danger pay area; and cumulative career active duty service: 10 months, 11 days.

Randall J. Kaplan

Erin McMunigal

Thomas H. Van Horn