

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2005-135

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX, LCDR USCGR

FINAL DECISION

AUTHOR: Ulmer, D.

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 application was docketed on July 15, 2005, upon receipt of the applicant's completed application and military records.

This final decision, dated April 5, 2006, is 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 asked the Board to correct his DD Form 214 (Certificate of Discharge or Release from Active Duty) to show that he has twenty-seven years, five months, and twenty-one days of satisfactory federal service. The applicant alleged that the correction would ensure that he has a permanent record of his service.

The applicant is a member of the Coast Guard Reserve and served occasional periods of active duty. His most recent DD Form 214 covers a three-month period of active duty, from July 1, 2004 to September 30, 2004, in Blocks 12.a., b. and c. Block 12.d. of the DD-214 shows that the applicant's prior active duty service totaled two years, seven months, and nine days, and block 12.e. shows that his prior inactive service totaled thirty years, ten months, and seventeen days. Blocks 12.f. and e. show no foreign service or sea service, respectively. January 5, 1995, is the effective date of the applicant's pay grade in Block 12.h.

The applicant submitted an October 29, 2004, letter from the Coast Guard Pay and Service Center. The letter stated that the Pay and Service Center had discovered a discrepancy on the applicant's retirement point statement, which had been corrected by the issuance of a new retirement point statement dated November 1, 2004, showing that the applicant had twenty-seven years, five months, and twenty-one days of satisfactory service. The letter directed the applicant's personnel reporting unit (PERSRU) to place a copy of the corrected retirement point statement in the applicant's Personal Data Record and to forward the original to the applicant.

VIEWS OF THE COAST GUARD

On November 29, 2005, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny the applicant's request. The JAG stated that the Reserve Retirement Point Statement is the proper permanent record of the applicant's satisfactory service. The JAG further stated that it is inconsistent with the Coast Guard's policy to include such information on DD Forms 214.

The JAG attached a memorandum from the Commander, Coast Guard Personnel Command (CGPC) as Enclosure (1) to the advisory opinion and asked the Board to accept it as part of the views of the Coast Guard. CGPC recommended denial of the applicant's request for relief and offered the following conclusions:

1. The applicant's request to include notation of his satisfactory service on his DD-214 is inconsistent with current policy on completion of the DD-214. There is no provision within (COMDTINST M1900.4D (Instruction on completing DD-214)) to include Reserve satisfactory service on the DD-214 and [it] specifically prohibits the inclusion of non-specified information.
2. The applicant contends that his satisfactory service needs to be documented on the DD-214 to become part of his "permanent record of service." The applicant's service record includes . . . CG-4175A of November 1, 2004, which documents [the applicant's] record of Reserve retirement points and satisfactory service.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On November 30, 2005, the BCMR sent the applicant a copy of the views of the Coast Guard and invited him to respond. The BCMR did not receive a response from the applicant.

APPLICABLE LAW

COMDTINST M1900.4D (DD FORM 214 INSTRUCTION)

Section 4. of the introduction to the Instruction states that the DD Form 214 provides the member and the service with a concise record of a period of service with the Armed Forces at the time of the member's separation, discharge, or change in military status (reserve/active duty). This provision further states that the DD Form 214 is an authoritative source of information for both the governmental agencies and the Armed Forces for purposes of employment, benefits and reenlistment eligibility.

Chapter 1.D.2. of the Instruction states that only those items specifically directed are to be entered on the DD Form 214. There is no direction in the instruction that a member's satisfactory federal service is to be recorded on the DD Form 214.

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 submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10 of the United States Code. The application was timely.
2. The applicant failed to prove that the Coast Guard committed an error by not including his satisfactory years of federal service on his DD Form 214. The DD Form 214 instruction states that only information specified by the instruction shall be included on the DD Form 214. There is no identified space for satisfactory service on the DD Form 214; nor is there anything in the instruction that states such should be included in block 18 (remarks section) of the DD Form 214.
3. The applicant's November 1, 2004, corrected retirement point statement (CG-4175A) showing twenty-seven years, five months, and twenty-one days of total satisfactory service has been included in the applicant's military record. According to the Coast Guard, the retirement point statement is the proper method to record satisfactory federal service.
4. Accordingly, the applicant's request should be denied.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application of LCDR XXXXXXXXXXXXXXXX, USCGR, for correction of his military record is denied.

Frank H. Esposito

Jordan S. Fried

William R. Kraus