

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2010-017

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

FINAL DECISION

This proceeding was conducted 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 after receiving the completed application on October 27, 2009, and assigned it to staff member J. Andrews to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated July 29, 2010, 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 honorably discharged on June 15, 2008, asked the Board to correct block 11 on his DD 214 to show that he attended “A” School to become an electronics technician (ET). He alleged that because he successfully graduated from ET “A” School, his specialty should be noted in block 11. In support of this allegation, he submitted a copy of his DD 214. Block 11 of his DD 214 contains the notation “NA,” for not applicable, and many Xes. The title for block 11 is “PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)” He also submitted copies of certificates showing that he successfully completed ET “A” School on February 18, 2005.

Block 4.a. of a DD 214 shows a member’s grade, rate, or rank. On the applicant’s DD 214, block 4.a. shows his rate as ET3. Block 14 of a DD 214 shows a member’s military education. The entries in block 14 on the applicant’s DD 214 are continued in block 18 because they overrun the space in block 14. Block 18 contains the remark “BLOCK 14 CONTINUED: ... ELECTRONICS TECHNICIAN, (30/WKS) MAR 2005”

VIEWS OF THE COAST GUARD

On March 12, 2010, the Judge Advocate General of the Coast Guard submitted an advisory opinion adopting the findings and analysis of the case provided in a memorandum prepared by the Personnel Service Center (PSC).

The PSC stated that DD 214s are prepared in accordance with the regulations published in COMDTINST M1900.4D. The instructions in the manual state that, for enlisted personnel, block 11 should contain only the entry "NA." The PSC pointed out that a member's military education is properly shown in block 14 of a DD 214 and alleged that the applicant's completion of 30 weeks of Electronics Technician School is therefore shown in the proper place on his DD 214. The PSC argued that the applicant's request should be denied because he has failed to substantiate an error in his record.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On March 15, 2010, the Chair sent the applicant a copy of the views of the Coast Guard and invited him to respond within 30 days. No response was received.

APPLICABLE REGULATIONS

Chapter 1.E. of COMDTINST M1900.4D contains the following regulations for preparing DD 214s:

Block 4a. Grade, Rate, or Rank. Enter the abbreviation for grade or rate in which separated. The commissioned grade will be shown for a temporary officer reverting to permanent enlisted status for the purpose of retiring under the enlisted "20-year" bill and released from active duty effective on the same date. In the case of a cadet, enter "CADET".

Block 4b. Pay Grade. Enter the pay grade in which separated: "O-4", "W-1", "E-3", etc. For cadets enter "NA".

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Block 11. Primary Specialty Number, Title and Years and Months in Specialty.

1. Enlisted Personnel. Enter "NA".
2. Officers. Enter the specialty or experience indicator as shown in current Register of Officers (COMDTINST M1427.1 (series)), or the Register of Reserve Officers (COMDTINST M1427.2 (series)).

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Block 12h. Effective Date of Pay Grade. Enter the year, month, and day as follows:

1. Enlisted Personnel. Date of advancement.

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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.

Chapter 1.D.2.c.(2) of COMDTINST M1900.4D states that any large blocks of blank space on the DD 214 should contain Xes.

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 10 U.S.C. § 1552. The application is timely.

2. The applicant alleged that block 11 of his DD 214 is improperly prepared because it fails to show that he successfully completed ET "A" School. The Board begins its analysis in every case 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

3. Preparation of a DD 214 is governed by regulation. Chapter 1.E. of COMDTINST M1900.4D clearly states that, for an enlisted member, block 11 should contain only the notation "NA," meaning that the block is inapplicable for an enlisted member. Apparently, because enlisted members' skill ratings are shown in block 4.a., block 11 is only completed for officers, whose job skills are not revealed by the rank shown in block 4.a.

4. With the notation "NA" and many Xes, block 11 of the applicant's DD 214 is properly prepared in accordance with Chapters 1.E. and 1.D.2.c.(2) of COMDTINST M1900.4D. In addition, the Board notes that the applicant's rate of ET3 properly appears in block 4.a. of his DD 214; his date of advancement to ET3 is shown in block 12.h.; and his military education, including his completion of ET "A" School, is shown in blocks 14 and 18. Therefore, the Board finds that the applicant has failed to prove that his DD 214 is improperly completed.

5. Accordingly, the applicant's request should be denied.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

¹ 33 C.F.R. § 52.24(b); *see* Docket No. 2000-194, at 35-40 (DOT BCMR, Apr. 25, 2002, approved by the Deputy General Counsel, May 29, 2002) (rejecting the "clear and convincing" evidence standard recommended by the Coast Guard and adopting the "preponderance of the evidence" standard for all cases prior to the promulgation of the latter standard in 2003 in 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).

ORDER

The application of former xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is denied.

Nancy L. Friedman

Robert S. Johnson, Jr.

Lynda K. Pilgrim