

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2008-081

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

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 on February 29, 2008, upon receipt of the applicant's completed application, 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 November 6, 2008, 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 separated from the Coast Guard on January 11, 1972, asked the Board to correct his discharge form, DD 214, by "[a]dd[ing] all awards and medals ... including lifesaving medal, Sikorsky wings, etc./ 2 Bronze stars on VSM [Vietnam Service Medal]." The applicant alleged that he discovered these errors on January 17, 2008, and provided no explanation of the time lapse of 36 years between his receipt of his DD 214 and the alleged date of discovery of the error.

In support of his allegations, the applicant submitted a copy of his DD 214, which shows that he is entitled to wear the following: "Combat Action Ribbon; USCG Good Conduct Medal for period ending 11 JUN 1971; National Defense Service Medal; Vietnam Service Medal and one bronze star; Republic of Vietnam Campaign with device (1960 -)." He did not submit anything to show that he is entitled to a lifesaving medal, Sikorsky wings, or a second bronze star—i.e., a second award of the Vietnam Service Medal.

SUMMARY OF THE APPLICANT'S RECORD

On June 12, 1967, the applicant enlisted in the Coast Guard. Upon completing bootcamp, he was transferred to the CGC WINONA and served on that cutter from September 6, 1967, through December 6, 1968. During his period aboard the WINONA, the crew performed coastal surveillance in Vietnam as part of the Navy Coastal Surveillance Force (Task Force 115). An entry in his record shows that on December 6, 1968, he "[p]articipated as a member of the crew

of USCGC WINONA (WHEC-65) in the night surface action of 1 March 1968, off the BO DE river, Republic of South Vietnam in which WINONA engaged and sank enemy trawler #28F.”

Following his service on the WINONA, the applicant attended AD “A” School for six months to become an aviation machinist’s mate. Upon graduation, he was assigned to Air Station Annette in Alaska from July 30, 1969, to July 14, 1970. From August 25, 1970, until his release to inactive duty on January 11, 1972, he was assigned to Air Station Los Angeles.

Records titled “Temporary Flight Orders Record Sheets” show that the applicant was issued temporary flight orders several times to serve on flight crews. Other documents in his record contain the following notations regarding his authorization for and receipt of decorations:

- December 12, 1967: “Fired Navy Course ‘E’ with .45 Cal. Pistol. Qualified as Marksman.”
- February 15, 1968: “Authorized to wear the Vietnam Service Medal with bronze star.”
- August 1, 1968: “Authorized to wear the Republic of Vietnam Campaign Medal with Device. Acquisition of the RVN Campaign Medal is the responsibility of the individual.”
- September 19, 1968: “Issued National Defense Service Medal.”
- September 19, 1968: “I hereby acknowledge receipt of National Defense Service Medal.”
- December 6, 1968: “Receipt of Vietnam Service Medal is hereby acknowledged.”
- April 21, 1968: “While participating in Navy Underway Refresher Training at San Diego, California during the period 4 – 24 November 1967, the WINONA earned entitlement to the Military Readiness Award.”
- June 23, 1970: “Combat Action Medal” for sinking of trawler on March 1, 1968.
- July 28, 1971: “Awarded U.S. Coast Guard Good Conduct Medal this date for four (4) year period of meritorious service from 12 June 1967 to 11 June 1971.”
- July 28, 1971: “I hereby acknowledge receipt of the above medal this date.”

VIEWS OF THE COAST GUARD

On July 15, 2008, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion in which he recommended that the Board grant partial relief in this case by ordering the Coast Guard to issue the applicant a DD 215 to correct his DD 214 to show that he is entitled to wear a Navy Unit Commendation and the Navy Meritorious Unit Commendation. He recommended that the applicant’s request for a lifesaving medal, Sikorsky wings, and a second bronze star on his Vietnam Service Medal (VSM) be denied.

The JAG stated that the application was untimely and the applicant knew or should have known what awards were noted on his DD 214 when he received it in 1972. Therefore, his application should have been filed by January 1975. In addition, the JAG argued, the applicant’s claim for a lifesaving medal and second bronze star should be barred by the doctrine of laches. In this regard, the JAG stated that the applicant’s “service record is completely silent regarding any incident which would qualify him for the silver lifesaving medal or a second bronze star on his VSM.” Therefore, because of the applicant’s long delay, his own word is the only evidence still available supporting his entitlement to these medals and the Coast Guard should not be

required to conduct an investigation when the applicant himself failed to submit any evidence that supports his claims to other medals.

The JAG stated that the Medals and Awards Manual indicates that the crew of the WINONA in 1968 is entitled to wear a VSM with just one bronze star, as shown on the applicant's DD 214. The Sikorsky award, he stated, cannot be included on a DD 214 because it "is a private, non-military recognition given by the Sikorsky Aircraft Corporation." The JAG stated that there is no evidence that the applicant ever performed a lifesaving rescue that meets the criteria for a medal in the Medals and Awards Manual. In addition, he stated, members on active duty are not normally awarded lifesaving medals, which are usually awarded to civilians or members on leave or liberty.

The JAG stated, however, that according to the Medals and Awards Manual, the crew of the WINONA earned a Navy Unit Commendation and a Navy Meritorious Unit Commendation while performing surveillance in Vietnam from February 15 to March 14, 1968, which are not reflected on the applicant's DD 214. Therefore, he recommended that the Board correct the applicant's DD 214 with a DD 215 showing that he is entitled to these two awards.

In recommending this relief, the JAG relied on COMDTINST M1650.25C, which was superseded by a revised version of the Medals and Awards Manual, COMDTINST M1650.25D, on May 5, 2008.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On July 17, 2008, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. No response was received.

APPLICABLE LAWS

Chapter 1.E. of COMDTINST M1900.4D states that when preparing a discharge form, DD 214, the administrative officer should "[e]nter all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service."

COMDTINST M1650.25D, the Coast Guard's current Medals and Awards Manual (MAM), contains the rules governing the eligibility of Coast Guard members for various awards and medals. Chapter 1.H.4.b. states the following:

Awards from other organizations and agencies. Coast Guard personnel are not authorized to wear awards from non-military organizations or government agencies except those specifically allowed by this Manual. This restriction includes, but is not limited to:

- (1) USCG Auxiliary awards;
- (2) Awards from state and local governments;
- (3) Awards from fraternal organizations (VFW, etc.).

The MAM does not mention any Sikorsky medal or award. Chapter 4.A. provides the following eligibility criteria for a gold or silver lifesaving medal:

The Gold and Silver Lifesaving Medals were originally created by Congress in 1874 and are now authorized by 14 USC 500, dated August 4, 1949. These U.S. decorations are not classified as military decorations but are authorized for wear by Coast Guard personnel.

1. Eligibility. The Commandant awards the Gold and Silver Lifesaving Medals under the general criteria listed below:

a. The Gold Lifesaving Medal or the Silver Lifesaving Medal may be awarded to any person who rescues or endeavors to rescue any other person from drowning, shipwreck, or other perils of the water. The rescue or attempted rescue must either take place in waters within the U.S. or subject to the jurisdiction thereof, or one or the other of the parties must be a citizen of the U.S. or from a vessel or aircraft owned or operated by citizens of the U.S.

(1) The Gold Lifesaving Medal may be awarded to an individual who performed a rescue or attempted rescue at the risk of his or her own life, and demonstrates extreme and heroic daring.

(2) The Silver Lifesaving Medal may be awarded to an individual who performed a rescue or attempted rescue where the circumstances do not sufficiently distinguish the individual to deserve the medal of gold, but demonstrate such extraordinary effort as to merit recognition.

(3) Military personnel serving on active duty would normally not be recommended for Gold and Silver Lifesaving Medals; however, military personnel may be recommended for a Lifesaving Medal if the act of heroism was performed while the individual was in a leave or liberty status.

Enclosure (16) to the MAM states the following regarding the Vietnam Service Medal (VSM) and bronze stars:

The Vietnam Service Medal was awarded to members of the armed forces, who served in Vietnam, its contiguous waters, or airspace, between 15 March 1962 and 28 March 1973. Personnel serving in Thailand, Laos or Cambodia, in direct support of operations in Vietnam, during this period, are also eligible for the medal. To qualify for award of the Vietnam Service Medal an individual must have met one of the following qualifications:

- Be attached to or regularly serve for 1 or more days with an organization participating in or directly supporting or aboard a naval vessel directly supporting military operations.
- Actually participate as a crewmember in one or more aerial flights into airspace above Vietnam and contiguous waters directly supporting military operations.
- Serve on temporary duty for 30 consecutive days or 60 nonconsecutive days, except that the time limit may be waived for personnel participating in actual combat operations.

****NOTE**** Medal and 1 bronze star with first award. Additional bronze stars awarded for each subsequent period of service. A silver star is used in place of five (5) bronze stars.

Enclosure (16) also includes a list of “Vietnam Service Medal – Eligible Campaigns” and a list of “Eligible Units” with the periods for which each unit is entitled to the medal. The list of VSM-eligible campaigns includes the following campaigns for the year 1968:

- V - 01 June 1967 to 29 January 1968 - Vietnamese Counteroffensive Phase III
- VI - 30 January 1968 to 01 April 1968 - TET Counteroffensive
- VII - 02 April 1968 to 30 June 1968 - Vietnamese Counteroffensive Phase IV
- VIII - 01 July 1968 to 01 November 1968 - Vietnamese Counteroffensive Phase V

- IX - 02 Nov 1968 to 22 February 1969 - Vietnamese Counteroffensive Phase VI

In the list of “Eligible Units,” the crew of the CGC BLACKHAW, for example, is shown to be eligible for the VSM three times in 1968 (13 Mar 68 - 06 May 68; 24 Jun 68 - 18 Jul 68; 09 Sep 68 - 11 Oct 68) and ten other times from 1969 through 1971. The crew of the CGC WINONA is shown to be eligible for a VSM only once, for the period “15 Feb 68 - 30 Sep 68.”

Chapter 3.B.4. of the MAM states that the Secretary of the Navy may award the Navy Unit Commendation to any Coast Guard unit “that has distinguished itself by outstanding heroism in action against the enemy, but which is not sufficient to justify the award of the PUC; or to any such unit that has distinguished itself by extremely meritorious service not involving combat but in support of military operations. Coast Guard personnel are eligible for this award only if they were serving with a cited unit and meet the eligibility criteria.” Enclosure (6) to the manual states that the crew of the CGC WINONA earned a Navy Unit Commendation for participating in “Navy Coastal Surveillance (Task Force 115)” for the period “15 Feb 68 - 14 Mar 68.”

Chapter 3.B.6. of the MAM states that the Secretary of the Navy may award the Navy Meritorious Unit Commendation to any Coast Guard unit “that has distinguished itself, under combat or non-combat conditions, by either valorous or meritorious achievement, but whose achievement is not sufficient to justify the award of the Navy Unit Commendation. Coast Guard personnel are eligible for this award only if they were serving with a cited unit and meet the eligibility criteria.” Enclosure (8) of the current manual does not list CGC WINONA. However, enclosures to earlier editions of the manual indicate that the crew of the CGC WINONA earned a Navy Meritorious Unit Commendation for exactly the same service—participation in “Navy Coastal Surveillance (Task Force 115)” for the period “15 Feb 68 - 14 Mar 68”—for which the Navy Unit Commendation was awarded.

According to paragraph 322.1 of Chapter 3 of the Navy and Marine Corps Awards Manual (SECNAVINST 1650.1H), “No unit, or part thereof, may be awarded more than one unit award, regardless of type (including Joint unit awards), for the same act or period of service.”

The MAM lists a couple of readiness awards but none called a “Military Readiness Award,” which was awarded to the WINONA while the applicant was aboard. Nor is any “Military Readiness Award” cited in Article 9 of the Personnel Manual in effect in 1968 (CG-207, amend. no. 84), which governed Coast Guard decorations, medals, and awards before the MAM was issued separately from the Personnel Manual. According to Chapter 3.B.8.b. of the MAM published in 1995 (COMDTINST M1650.25B), however, the Commandant authorized the Coast Guard “E” Ribbon on September 25, 1990,

(1) ... for personnel of cutters earning the overall operational readiness “E” award during Refresher Training. All personnel serving aboard their unit for more than 50 percent of the period during which it undergoes Refresher Training are eligible for the “E” Ribbon. ...

(2) With the exception of the units listed in enclosure (18), no permanent records of Refresher Training results exist. In order to recognize all ships’ crews who have previously met the intent of this policy, individuals are encourage to submit documentation to Commandant (G-PMP-4) which will facilitate the addition of those units to the list of eligible cutters.



(4) Requests by individuals who served aboard units not listed in enclosure (18) shall be forwarded to Commandant (G-PMP-4) for eligibility determination. Approval will be determined subject to supporting documentation accompanying the request. Examples of such supporting documentation include, but are not limited to, the following:

- (a) Letters of appreciation;
- (b) Personal award citations;
- (c) Service record entries or any other documentation available from a member's service record; or
- (d) Any other conclusive evidence that shows that a unit achieved an overall operational readiness "E" award during Refresher Training and the requesting individual was assigned to that unit during the designated Refresher Training period.

The current MAM (COMDTINST M1650.25D) includes similar eligibility requirements in Chapter 3.B.8., but "Refresher Training" is now called "Tailored Annual Cutter Training," or TACT. Enclosure (10) of the MAM lists the units and periods of Refresher Training for which those units are eligible for an "E" Ribbon. Although the list indicates that the ribbon has been retroactively awarded to some crews for Refresher Training in the 1960s and 1970s, the CGC WINONA is not on the list.

According to paragraph 332.4 of Chapter 3 of the Navy and Marine Corps Awards Manual (SECNAVINST 1650.1H), the Navy issues "E" Ribbons for "permanent duty on ships or in squadrons that won Battle Efficiency competitions after 1 July 1974." This manual does not mention any "Military Readiness Award."¹

Chapter 5.A.26. of the current MAM provides the following regarding medals for marksmanship:

a. Eligibility. Expert medals and marksmanship ribbons will be awarded for achieving specified scores over a prescribed course of fire. The Ordnance Manual, COMDTINST M8000.2 (series), provides complete information regarding qualification requirements for these awards and other marksmanship distinctions. Marksman, sharpshooter, or expert awards are permanent. An individual's award will be upgraded when a higher qualifying score is fired; however, awards lower than those previously earned will not be awarded or worn.

• • •

(4) Pistol Marksmanship Ribbon. Authorized for each Coast Guard person who qualifies as marksman or better with the service pistol of one of the prescribed courses of fire. The ribbon is worn without any device for marksman qualification.

(a) A silver "E" will be attached to the ribbon for expert qualification. The silver "E" is worn when wearing the ribbon only and will not be attached to the Expert medal's suspension ribbon.

(b) A silver "S" will be attached to the ribbon for sharpshooter qualification.

Article 9-G-3(b) of the Personnel Manual in effect in 1967 (CG-207, amend. no. 84) listed the following possible pistol marksmanship awards in order of precedence: "... (3) Distinguished Pistol Shot Badge ... (5) National Pistol Shot Excellence-in-Competition Badge (Silver) ... (7) Pistol Shot Excellence-in-Competition Badge (Silver) ... (9) National Pistol Shot

¹ However, an internet search found a couple of claims of units having won Military Readiness Awards. The CGC BARATARIA apparently won the award in 1965. See <<http://www.uscg.mil/history/webcutters/Barataria1949.asp>>.

Excellence-in-Competition Badge (Bronze) ... (11) Pistol Shot Excellence-in-Competition Badge (Bronze) ... (13) Expert Pistol Shot Medal”

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.
2. Under 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22, an application to the Board must be filed within three years after the applicant discovers, or reasonably should have discovered, the alleged error or injustice. The applicant alleged that he discovered the errors on his DD 214 on January 17, 2008. However, the applicant received his DD 214 in 1972, and he has not shown that anything prevented him from discovering the alleged errors on his DD 214 in the more than 30-year-long interim. Therefore, the Board finds that the applicant should have known of the alleged errors on his DD 214 many years ago, and so his application is untimely.
3. Pursuant to 10 U.S.C. § 1552(b), the Board may excuse the untimeliness of an application if it is in the interest of justice to do so. In *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992), the court stated that to determine whether the interest of justice supports a waiver of the statute of limitations, the Board “should analyze both the reasons for the delay and the potential merits of the claim based on a cursory review.” The court further instructed 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.” *Id.* at 164-65; see *Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).
4. The applicant did not justify his long delay in inquiring into the completeness of the list of medals and awards on his DD 214 and in seeking correction of it. However, in the advisory opinion, the Coast Guard admitted that the applicant’s DD 214 fails to show an award to which the applicant is entitled. In light of the clear error on his DD 214, as discussed below, the Board will waive the statute of limitations for this case in the interest of justice.
5. The applicant asked that his DD 214 be corrected to show that he is entitled to “Sikorsky wings.” There is no such medal or award listed in the Medals and Awards Manual (MAM), COMDTINST M1650.25D, and the Coast Guard states that it is not an authorized military award but an award issued by a private corporation. Therefore, the Board agrees with the JAG that, under Chapter 1.E. of COMDTINST M1900.4D and Chapter 1.H.4.b of the MAM, the lack of a notation of “Sikorsky wings” on the applicant’s DD 214 is not an error or injustice since only authorized military medals and awards may be reported on a DD 214.
6. The applicant asked that his DD 214 be corrected to show that he is entitled to a lifesaving medal. Nothing in the record, however, supports his contention that he is entitled to either a gold or silver lifesaving medal. In this regard, the Board notes that under Chapter 4.A.1.a.(1) of the MAM, a member on active duty may only be awarded a lifesaving medal for “extreme and heroic daring” in the course of saving or attempting to save someone from drowning or shipwreck while the member is on leave or liberty. Under the Board’s rules at 33 C.F.R. § 52.24(b), the applicant’s military record is presumptively correct as it is, and the

applicant bears the burden of proving any alleged error or injustice by a preponderance of the evidence. The applicant has submitted nothing to overcome the presumption that his military record is correct in showing that he is not entitled to a lifesaving medal.

7. The applicant asked that his DD 214 be corrected to show that he is entitled to a second bronze star on his Vietnam Service Medal (VSM). Enclosure (16) to the MAM indicates that a medal with one bronze star is received for the first award of the VSM and that an additional bronze star is attached to the medal for each additional authorized award of the VSM. The applicant's record shows that he was authorized the VSM once, on February 15, 1968, and that he received the medal on December 6, 1968. Enclosure (16) supports these records in that it shows that the crew of the CGC WINONA was authorized the VSM just once, for the period February 15 to September 30, 1968. Therefore, the Board finds that the applicant has not overcome the presumption of regularity under 33 C.F.R. § 52.24(b) and has not proved by a preponderance of the evidence that he is entitled to a second bronze star on his VSM.

8. The Coast Guard reviewed the applicant's record and a prior edition of the MAM and alleged that the applicant is entitled to both a Navy Unit Commendation and a Navy Meritorious Unit Commendation because, in prior editions of the MAM, the CGC WINONA is listed as a recipient of both commendations for the same operation, "Navy Coastal Surveillance (Task Force 115)," and the same period, February 15 to March 14, 1968. The current edition of the MAM (COMDTINST M1650.25D) omits the WINONA from the list of units entitled to a Navy Meritorious Unit Commendation. Therefore, the Board must determine whether the crew of the WINONA was, as the JAG stated, eligible for both of these awards for the same operation and period of service. Both awards are authorized by the Secretary of the Navy. Paragraph 322.1 of Chapter 3 of the Navy and Marine Corps Awards Manual (SECNAVINST 1650.1H) states that "[n]o unit, or part thereof, may be awarded more than one unit award, regardless of type (including Joint unit awards), for the same act or period of service." In addition, the explanation of the Navy Meritorious Unit Commendation in Chapter 3.B.6. of the MAM implicitly prohibits the receipt of both awards for the same service because it says that the Navy Meritorious Unit Commendation, which is the lesser of the two, is awarded to a unit "that has distinguished itself, ... by either valorous or meritorious achievement, but whose achievement is not sufficient to justify the award of the Navy Unit Commendation." Therefore, the Board finds that as a crewmember of the CGC WINONA during the period February 15 to March 14, 1968, the applicant is entitled to the Navy Unit Commendation but not to the Navy Unit Meritorious Commendation, as shown in the current edition of the MAM.

9. Aside from requesting correction of his DD 214 to reflect receipt of a lifesaving medal, Sikorsky wings, and second bronze star on his VSM, the applicant also asked the Board to "[a]dd all awards and medals to DD 214." The JAG argued that the Coast Guard should not be required to investigate such matters when the applicant himself has submitted no supporting evidence and that his claims should be barred by the doctrine of laches. However, just as the Coast Guard's review of the record identified his entitlement to the Navy Unit Commendation, the Board's review of the record has identified a possible military award documented in the applicant's military record but omitted from his DD 214: An "Administrative Remarks" entry dated April 21, 1968, states that "[w]hile participating in Navy Underway Refresher Training at San Diego, California during the period 4 – 24 November 1967, the WINONA earned entitlement to the Military Readiness Award." Although no Coast Guard or Navy manual reviewed by the Board mentions a "Military Readiness Award," this may be because the award is

an old one and was given to units, not to personnel. Because the CGC WINONA earned a “Military Readiness Award” for its performance during Refresher Training, it appears to the Board that the crew of the WINONA may be eligible for a Coast Guard “E” Ribbon under Chapter 3.B.8. of the MAM. In the 1995 MAM (COMDTINST M1650.25B), Chapter 3.B.8. indicates that the “E” Ribbon was authorized in 1990 “for personnel of cutters earning the overall operational readiness ‘E’ award during Refresher Training.” The current MAM refers to TACT, instead of Refresher Training, in Chapter 3.B.8., but still refers to Refresher Training in the enclosure listing units eligible for the ribbon, and both old and current editions of the MAM expressly authorize retroactive awards of the ribbon. Subparagraphs b(2) and b(4) of Chapter 3.B.8. state that records of the results of Refresher Training were not retained and invite individuals to submit requests for the award to the Commandant with evidence of the receipt of the award, such as “service record entries.” The “Administrative Remarks” entry dated April 21, 1968, in the applicant’s record, denoting the WINONA’s receipt of a “Military Readiness Award” for the crew’s performance during Refresher Training in November 1967 constitutes just such a service record entry.

10. Although the JAG argued that the doctrine of laches should bar claims for other medals and awards, the Board finds that the doctrine of laches should not apply with respect to the “E” Ribbon because in Chapter 3.B.8. of the MAM, the Commandant continues to invite individuals to submit evidence of past awards for readiness during Refresher Training so that the “E” Ribbon may be awarded to crewmembers retroactively. In this regard, the Board notes that the MAM enclosure listing known units whose personnel are entitled to the “E” Ribbon shows that the ribbon has been retroactively awarded to cutter personnel for periods in the 1960s and 1970s even though the “E” Ribbon was not authorized until 1990. In Chapter 3.B.8. of the MAM, the Coast Guard has accepted the duty of examining evidence of Refresher Training awards and determining whether the “E” Ribbon should be awarded to the crewmembers retroactively. The notation in the applicant’s “Administrative Remarks” entry dated April 21, 1968, strongly suggests that the crew of the WINONA may be entitled to a Coast Guard “E” Ribbon for their performance during Refresher Training in November 1967. Therefore, because the WINONA received a “Military Readiness Award” during Refresher Training in November 1967, while the applicant was a member of the crew, the Board finds that the Coast Guard should be required to complete the review required under Chapter 3.B.8. of the MAM and determine whether the applicant is entitled to the “E” Ribbon. The Board understands that the passage of time between the WINONA’s receipt of the Military Readiness Award and the date of this decision may make this review difficult, but even if the applicant had submitted his application on September 25, 1990 (the day the Commandant authorized the “E” Ribbon and invited requests for retroactive application of the award), the review would have been difficult given the then 23 intervening years since the WINONA earned the award.

11. The Board notes that an “Administrative Remarks” entry dated December 12, 1967, in the applicant’s record shows that he “[f]ired Navy Course ‘E’ with .45 Cal. Pistol. Qualified as Marksman.” Had he accomplished this feat today, the applicant would likely have been entitled to a Pistol Marksmanship Ribbon without any device under Chapter 5.A.26. of the MAM. However, according to Article 9-G-3 of the Personnel Manual in effect in 1967, the lowest award for pistol marksmanship then authorized was the Expert Pistol Shot Medal. As indicated in Chapter 5.A.26., the “expert” level is higher than the “marksman” level. Therefore, the Board finds insufficient evidence to conclude that the applicant’s performance on the firing range on December 12, 1967, entitled him to a marksmanship award.

12. Accordingly, the applicant's requests for a lifesaving medal, Sikorsky wings, and a second bronze star on his Vietnam Service Medal should be denied, but the Coast Guard should issue the applicant a DD 215 to correct his DD 214 to show that he is entitled to a Navy Unit Commendation. In addition, if the Coast Guard's examination under Chapter 3.B.8. of the MAM shows that the crew of the WINONA is eligible for the Coast Guard "E" Ribbon because the WINONA was awarded a Military Readiness Award for its performance during Navy Underway Refresher Training in San Diego in November 1967, the applicant's receipt of the Coast Guard "E" Ribbon should also be noted on the DD 215.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of former xxxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his Coast Guard military record is granted in part as follows:

(a) The Coast Guard shall correct his record to show that he is entitled to a Navy Unit Commendation for his service aboard the CGC WINONA from February 15 to March 14, 1968.

(b) The Coast Guard shall review his service record, including the “Administrative Remarks” entry dated April 21, 1968, stating that “[w]hile participating in Navy Underway Refresher Training at San Diego, California during the period 4 – 24 November 1967, the WINONA earned entitlement to the Military Readiness Award,” and perform the review required of the Coast Guard by Chapter 3.B.8.b.(4) of the Medals and Awards Manual to determine whether he, as a crewmember of the WINONA in November 1967, is eligible for a Coast Guard “E” Ribbon.

(c) The Coast Guard shall issue him a DD 215 showing his entitlement to a Navy Unit Commendation and also to a Coast Guard “E” Ribbon if the review performed under paragraph (b) above reveals that he is entitled to it.

Evan R. Franke

Jordan S. Fried

Robert S. Johnson, Jr.