DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2003-125

Xxxxxxxxxxxxxxxxxxx
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FINAL DECISION

[redacted]

This proceeding was conducted under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. It was docketed on August 11, 2003, upon receipt of the applicant's completed application and military records.

This final decision, dated April 29, 2004, 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 discharge form DD 214 to show that he served overseas in Greenland in 1965 and 1966. He did not provide a date of discovery of the alleged error or a reason for his delay in applying for this correction in his application.

SUMMARY OF THE APPLICANT'S MILITARY RECORDS

On November 26, 1963, the applicant enlisted in the Coast Guard for four years. Upon completing training, he was assigned to Coast Guard Depot [redacted] from March 17, 1964, to July 9, 1965. On January 4, 1965, while he was permanently stationed in [redacted] he received temporary duty orders to the cutter [redacted] Upon his return to [redacted] on January 28, 1965, his command noted that he had completed 25 days of sea duty on the [redacted]

On July 31, 1965, the applicant reported to [redacted] in Greenland, where he served as a [redacted] until July 15, 1966. Upon his transfer, his command noted that he had completed 11 months and 16 days of foreign service.

From September 14, 1966, until October 14, 1966, the applicant was assigned to serve on the Coast Guard cutter [redacted]. From October 16, 1966, to April 28, 1967, he served on the [redacted] and from April 28, 1967, until his honorable discharge on November 24, 1967, he served on board the [redacted] a boat stationed in [redacted].

Block 24.c of the applicant's DD 214 shows that he performed a total of 2 years, 1 month, and 23 days of "foreign and/or sea service" during the enlistment. The form DD 214 does not have a block where all stations at which a member served are supposed to be listed. However, the station of the member's last duty assignment and the station at which the member's discharge was effected are supposed to appear on the form in blocks 12.a. and 11.b., respectively. On the applicant's DD 214, these blocks show that the [redacted] was both the station of his last duty assignment and the station that effected his discharge.

VIEWS OF THE COAST GUARD

On December 10, 2003, the Judge Advocate General of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny the applicant's request. He stated that the applicant's DD 214 was properly prepared and that the applicant's request is inappropriate because there is no proper place on a DD 214 to list all of the units at which a member has served. The Judge Advocate General stated that the applicant's service in Greenland is properly accounted for in block 24.c. of his DD 214.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On December 15, 2003, the Chair sent the applicant a copy of the Judge Advocate General's advisory opinion and invited him to respond within 30 days. On December 31, 2003, the Board received the applicant's response. He stated that he has "no objection to the Coast Guard's recommendation, except I wanted it spelled out on my DD 214 that I was station[ed] in Greenland in 1965 and 1966 at a [redacted]."

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.

2. An application to the Board must be filed within three years of the day the applicant discovers the alleged error in his record. 10 U.S.C. § 1552(b). The applicant received his discharge form DD 214 in 1967 and knew or should have known that it did not state that he had served in Greenland at that time. Therefore, his request is untimely.

3. The Board may waive the three-year statute of limitations if it is in the interest of justice to do so. 10 U.S.C. § 1552(b). To determine whether it is in the interest of justice to waive the statute of limitations, the Board should consider the reasons for the delay and conduct a cursory review of the merits of the case. *Dickson v. Secretary of Defense*, 68 F.3d 1396, 1405 (D.C. Cir. 1995); *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

4. The applicant provided no explanation for his delay in requesting the correction of the alleged error on his DD 214.

5. A review of the record indicates that the form DD 214 has no block in which a member's service in Greenland should be spelled out, unless it was the member's last duty station or the station from which he was discharged. In the applicant's case, the [redacted] was both his last duty station and the station from which he was discharged. The DD 214 that was issued to members in 1967 does have a block for "Remarks," but this block is reserved for information about mustering out and disability pay, reenlistment eligibility, and the date the member's period of eligibility for the Good Conduct Award commences. *See* Personnel Instruction 77-56. Therefore, although the applicant served in Greenland for 11 months and 16 days, the only place on the DD 214 where this information can properly be reflected is in block 24.c., where a member's total sea and foreign service during the enlistment is shown. The Board's review of the record indicates that the applicant's time in Greenland was included in the calculation of his total sea and foreign service. Therefore, the Board finds no evidence of error on the applicant's DD 214 and no reason to waive the statute of limitations.

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

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

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