

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-123



FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 425. The Chair docketed the case after receiving the completed application on April 10, 2018, and assigned it to staff attorney [REDACTED] to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated February 8, 2019, 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 retired from the Coast Guard on August 31, 1992, asked the Board to add the following to his DD-214:

- Good Conduct Award;
- Rifle Marksmanship Ribbon;
- Honorable Discharge Button;
- Health Service Technician "C" School;
- Dental Prosthetic Class "B" School;
- Dental Technician "A" school;
- Water Survival Egress Training;
- Three Sikorsky Helicopter Rescue Awards;
- Group Port Angeles Rescue Certificate;
- Search and Rescue Air Crewman Certificate; and
- Qualification letter for startup/shut down on HH52A aircraft.

Regarding the timing of his application, he stated that he had "lots of time" on his hands and he discovered the alleged errors on his final DD-214 after he learned in the Veterans' Handbook he could request corrections. He asked the Board to fix the errors in the interest of justice because he is "at the lowest point in [his] life."

In support of his application, the applicant provided three “Sikorsky Helicopter Rescue Awards” dated October 26, 1985, April 3, 1986, and April 30, 1986. The awards state that they were “awarded on behalf of the management and employees of United Technologies Sikorsky Aircraft.”

SUMMARY OF THE RECORD

The applicant enlisted in the Air Force on June 27, 1972, as a Medical Services Specialist. His first DD-214 is for the period of June 27, 1972, to June 26, 1976. He received a National Defense Service Medal, Air Force Longevity Service Award, and a Good Conduct Medal.

The applicant enlisted in the Coast Guard on August 16, 1976. His second DD-214 is for the period starting on his enlistment date through May 18, 1981. He received a Coast Guard Commendation Ribbon with “O” Device, Good Conduct Medal, and a Rifle Marksmanship ribbon. All of his previously earned medals and awards are also listed. His education during this period was listed as Dental Technician Class “A” School (twelve weeks) and Dental Prosthetics Class “B” School (twenty-four weeks).

On August 8, 1984, the applicant received a Coast Guard Rescue Certificate for participating in a rescue mission at Group Port Angeles.

On February 11, 1985, the applicant received a Coast Guard Air Crewman Certificate qualifying him as a Search and Rescue Air Crewman.

The applicant’s third DD-214 is for the period from May 19, 1981, to May 18, 1987. He received his second and third Good Conduct Awards. All of his previously earned medals and awards are also listed. His education during this period was listed as Health Services Technician “C” School (eleven weeks), Water Survival Egress Training (one day), Advance Cardiac Life Support (two days), and EMT Recertification (two weeks).

The applicant’s final DD-214 is for the period of May 19, 1987, to August 31, 1992. He received his fourth Good Conduct Award, National Defense Service Medal with Bronze Star, Coast Guard Unit Commendation Ribbon with Gold Star and “O” Device, Coast Guard Bicentennial Unit Commendation Ribbon, and Coast Guard Unit Commendation Ribbon with Gold Star. All of his previously earned medals and awards are also listed. His education during this period was listed as Emergency Medical Technician Ambulance Training (one week), Advanced Prehospital Trauma Life Support (sixteen hours), Human Relations Training (one day), and National Safety Council Defensive Driving Course (one day).

VIEWS OF THE COAST GUARD

On September 25, 2018, the Judge Advocate General of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case. In doing so, he adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC stated that the application is not timely and therefore should not be considered beyond a cursory review. PSC argued that relief should be denied because all of the awards and medals that the applicant is due have been captured on the appropriate DD-214s. Likewise, all of the education the applicant completed is captured on the respective DD-214s. PSC stated that the Air Crewman certificate is a competency and is not a training that is listed on discharge documents. The Sikorsky helicopter awards are not military awards and also would not be listed on Coast Guard documents. Therefore, PSC recommended that the Board deny relief.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 26, 2018, the Chair sent the applicant a copy of the Coast Guard’s views and invited him to respond within 30 days. The applicant stated that he disagreed with the Advisory Opinion. He argued that the amount of time and energy the Coast Guard spent writing the “opinion to refuse to correct” the alleged errors, “they easily could of [sic] spent the same amount of time fixing the omissions.” He stated that he served this country and he is now asking the Board to serve him as a veteran. He asked the Board to “do the decent thing” and find in his favor for this simple request instead of treating it with such an “uncaring, unsympathetic response.”

APPLICABLE REGULATIONS

The DD-214 Manual issued in 1990 and applicable when the applicant retired, COMDTINST 1900.4C, states that “all decorations, medals, badges, commendations, citations, and campaigns ribbons awarded or authorized for all periods of service” must be included (emphasis in original). However, the block for listing military education and training is to include only the military education and training that the member completed during the period of enlistment covered by the DD-214. Therefore, the DD-214 block for military education and training is not cumulative.

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 submission and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.¹ The applicant retired from the Coast Guard and signed his DD 214 on August 31, 1992, and so his application is untimely.
3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.² In *Allen v. Card*, 799 F. Supp. 158 (D.D.C. 1992), the court stated that the Board should not deny an application for untimeliness without “analyz[ing] both the reasons for the delay

¹ 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

² 10 U.S.C. § 1552(b).

and the potential merits of the claim based on a cursory review”³ to determine whether the interest of justice supports a waiver of the statute of limitations. The court noted 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.”⁴ The Board has conducted the required review and finds no reason to waive the statute of limitations, as explained below.

4. The applicant explained that he was unaware he could request a correction to his record until he recently learned through a veterans’ handbook. However, the Board finds that nothing prevented him from seeking correction of the alleged errors or injustices more promptly.

5. The Board’s review of the potential merits of this case indicates that the applicant cannot prevail. The applicant’s DD-214, which is presumptively correct,⁵ contains all of his earned medals and the education he completed during the covered period of service. The applicant requested that his Rifle Marksmanship Ribbon and Good Conduct award be reflected on his final DD-214. According to the DD-214 Manual in effect when the applicant retired, COMDTINST M1900.4C, ribbons and medals from “all periods of service” should be reflected on a DD-214. However, his final DD-214 already includes all of his medals and awards, including his Rifle Marksmanship Ribbon and his Fourth Good Conduct Medal.

6. The applicant requested an “Honorable Discharge Button.” The Medals and Awards Manual, COMDTINST M1650.25, does not include a button or award with this name.

7. The applicant requested that Water Survival Egress Training, Health Service Technician “C” School, Dental Prosthetic Class “B” School, and Dental Technician “A” School be added to his final DD-214. However, according to the DD-214 Manual, each DD-214 only includes the military education completed during the period of service covered by that DD-214. Therefore, the applicant’s final DD-214 is correct to only include the education he completed during his final period of service. His other DD 214s show that his prior military education and training are properly listed on the DD 214 covering the period of service in which he took the course.

8. The applicant requested that his three Sikorsky Helicopter Rescue Awards and his Search and Rescue Air Crewman Certificate be added to his DD-214. The Sikorsky Helicopter Rescue Awards were given to the applicant by United Technologies Sikorsky Aircraft, and not the Coast Guard. They are therefore not eligible for inclusion on his DD-214. PSC stated that the Search and Rescue Air Crewman Certificate should not be included on the applicant’s DD-214 because it is a competency and not a training. The Board agrees. According to the DD-214 Manual, only *military* education and training may be listed on a DD-214. Likewise, certificates and qualifications, such as the Group Port Angeles Rescue Certificate and Qualification letter for startup/shut down on HH52 aircraft, reflect competencies, which may not be entered on DD-214s pursuant to the manual for preparing DD-214s.

³ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁴ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

⁵ 33 C.F.R. § 52.24(b); *see Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992) (citing *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979), for the required presumption, absent evidence to the contrary, that Government officials have carried out their duties “correctly, lawfully, and in good faith.”).

9. Accordingly, the Board will not excuse the application's untimeliness or waive the statute of limitations. Even if the Board waived the statute of limitations, his request would still be denied because his current DD-214s have been correctly prepared in accordance with the regulations in the DD-214 Manual.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of retired [REDACTED], USCG, for correction of his military record is denied.

February 8, 2019

