

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2019-144


SN (former)

FINAL DECISION

This is a proceeding under the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the applicant's completed application on May 24, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated May 29, 2020, 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, a former seaman (SN) who served in the Coast Guard Reserve from 1974 to 1976, asked the Board to provide him with an updated DD 214¹ and to correct his DD 214 to show his active and reserve service from June 24, 1974, to August 23, 1975. He also asked the Board to correct his DD 214 to include any medals that he is eligible to receive. The applicant stated that he needs the corrections because he has cancer and wants his wife to have an accurate DD 214 for his Coast Guard service. In support of his request, he submitted a copy of the following honorable discharge certificates issued by four separate branches of the military:

- Coast Guard, dated August 2, 1976
- U.S. Army, dated June 29, 1978
- U.S. Army, dated January 24, 1979
- U.S. Navy, dated May 22, 1981
- Army National Guard, dated May 31, 1984
- U.S. Navy, dated July 24, 1997

¹ A DD 214 is prepared to document a member's release or discharge from a period of active duty and a DD 215 is used to correct or add information to a DD 214.

The applicant also submitted copies of the following:

- A nearly illegible DD 214 documenting active duty in the Coast Guard service from June 1975 to September 1975.
- An enlistment contract showing that he enlisted in the Army National Guard on September 14, 1983, for a term of one year.
- A letter from the Department of Veterans Affairs (DVA) dated December 23, 2015, notifying him that the DVA had determined that he has a service-connected disability rated at 100%.
- A letter dated August 30, 1975, from the Commanding Officer of the USCGC Reliance, thanking the applicant for taking care of him during the last patrol.

The applicant stated that he discovered the alleged errors in his record in January 1998 and argued that the Board should find it in the interest of justice to consider his application because he wants his wife to have an accurate record of his military service.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve under the RK² program on June 24, 1974, and his initial active duty for training (IADT) began on that date. A Record of Discharge in his record shows that the first phase of his IADT—recruit training—was completed on August 23, 1974, and he was then released to inactive duty. On June 15, 1975, he began the second phase of his IADT and was released to inactive duty on September 5, 1975.

The applicant received a DD 214 on September 5, 1975, documenting the completion of his IADT, and it shows that he performed active service from June 15, 1975, to September 5, 1975. Block 18.b. indicates that he had two months of prior active service (his recruit training the summer before). Block 27 (Remarks), states that the prior service block includes the first phase of his IADT from June 24, 1974, to August 23, 1974. The DD 214 does not indicate that he received any decorations, medals, badges, commendations, citations, or campaign ribbons.

On August 2, 1976, the applicant was honorably discharged from the Coast Guard Reserve for the Convenience of the Government. On or about August 16, 1978, he was provided with a Letter/Statement of Creditable Service documenting all of his Coast Guard service time.

The applicant's Coast Guard military record also includes the following documentation:

- A Statement of Creditable Service prepared on January 26, 1977, shows that the applicant

² The RK program is designed to recruit non-prior service, full-time students, ages 17 through 27, into a split phase active duty training program. The program's Initial Active Duty Training (IADT) consists of recruit training (Phase I), normally performed over a summer between semesters of school; an "interphase period"; and then Class "A" school (Phase II) performed over the following summer to learn a skill rating. Coast Guard Reserve Policy Manual, COMDTINST M1001.28.

served in the Coast Guard from June 24, 1974, to August 2, 1976. It does not indicate how much of that service was active service.

- A DD 214 issued by the U.S. Navy shows that the applicant served on active duty in the Navy for 24 days from April 29 to May 22, 1981. Block 12.d indicates that he had 2 years, 10 months and 13 days of prior active service. Block 13 shows no medals or ribbons. Block 28, Narrative Reason for Separation, states that he was “enlisted in error.”

VIEWS OF THE COAST GUARD

On October 15, 2019, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion and argued that the applicant’s request should be denied because it is untimely; he already received a DD 214 documenting his active service; and he is not eligible to receive any medals or awards.

The JAG argued that the applicant’s request to correct his DD 214 to showing all of his active and Reserve Coast Guard service should be denied because he already received a DD 214 accurately documenting his active service for that period and he did not perform any additional qualifying active duty before his discharge in 1976. The JAG stated that generally, Coast Guard policy limits the issuance of a DD 214 to periods of active duty greater than 90 days, however, the policy in effect at the time of the applicant’s service required the issuance of the DD 214 to Reserve trainees upon release from the second phase of IADT regardless of its length. The JAG noted that the applicant completed his second phase of IADT on September 5, 1975, and was issued a DD 214 documenting active service from June 15, 1975, to September 5, 1975. Moreover, the JAG stated, the applicant was provided with a Letter/Statement of Creditable Service on or about August 16, 1978, documenting all of his Coast Guard service time.

The JAG argued that the applicant’s request to have medals and awards added to his DD 214 should be denied because he is not eligible to receive any. The JAG noted that while on active duty the applicant accrued time creditable towards a Coast Guard Good Conduct Medal, but it was insufficient to satisfy the three-year requirement set forth in Article 5.A.1.a of the Coast Guard Military Medals and Awards Manual.

The JAG also argued that the applicant is not eligible to receive a National Defense Service Medal (NDSM). The JAG stated that he served for short periods of active duty from January 1, 1961, to August 1974, but that pursuant to the Medals and Awards Manual, short tours of active duty to fulfill training obligations under an inactive duty training program are insufficient to establish eligibility for the medal.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 24, 2019, the BCMR sent the applicant a copy of the Coast Guard’s recommendation, including legible copies of his DD 214 and Record of Discharge, and invited him to submit a response. The Board did not receive a response.

APPLICABLE LAW AND REGULATIONS

COMDTINST 1900.4A was issued on May 14, 1975, and contains the Commandant's instructions for completing the DD 214. Enclosure 1 states that a DD 214 will be furnished to USCGR-RK trainees upon release from their second phase of IADT regardless of its length.

Enclosure 11 to COMDTINST M1650.25E, the Coast Guard Medals and Awards Manual, states that to receive a GCM from November 1, 1963, through December 31, 1979, a member had to have completed four consecutive years of active duty with no NJP, misconduct, no civil conviction for offense involving moral turpitude, and minimum marks of 3.0 for proficiency, leadership, and conduct (on a 4.0 scale).

Chapter 5.A.2 of the Coast Guard Military Medals and Awards Manual, COMDTINST M1650.25E, states that the Reserve Good Conduct Medal (RGCM) is issued to reserve enlisted members who have been recommended by their commanding officers for proficiency in rating, sobriety, obedience, industry, courage, and neatness throughout each qualifying period of service. The required period of service is four consecutive years. In addition, between February 1, 1963 and December 31, 1979, to receive an RGCM, a reservist had to perform 12 days ADT and 90% of 48 scheduled IDT drills (90% = 43).

Chapter 5.A.4 of the Medals and Awards Manual states that the NDSM is awarded to personnel who perform Honorable active service as a member of the Armed Forces for any period (inclusive) from June 27, 1950, to July 28, 1954; from January 1, 1961, to August 14, 1974; from August 2, 1990, to November 30, 1995; or from September 12, 2001, to a date to be determined by the Secretary of Defense. However, Chapter 4.A.5.a states that Reserve personnel on short tours of active duty to fulfill training obligations under an inactive duty training program are not eligible to receive the NDSM.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.³ The applicant completed his IADT and received a DD 214 on September 5, 1975, and was honorably discharged from the Coast Guard Reserve on August 2, 1976. Therefore, his application is untimely.

2. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.⁴ 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 and the potential merits of the claim based on a cursory review”⁵ to determine whether

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

⁴ *Id.*; 33 C.F.R. 52.22.

⁵ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

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.”⁶ In accordance with this direction, the Board has conducted a cursory review of the merits and finds no reason to excuse the untimeliness of the application:

a. The applicant did not explain or justify why he waited more than 42 years after his discharge to request correction of his military record. He failed to show that anything prevented him from seeking correction of the alleged error or injustice more promptly.

b. The applicant has not submitted any evidence of error or injustice. His DD 214 and Record of Discharge are correct because they document his period of active duty from June 24, 1974, to August 23, 1974, and June 15, 1975, to September 5, 1975, and legible copies of the DD 214 and Record of Discharge have been mailed to him.

c. There is nothing in the applicant’s record to show that he earned the NDSM, the GCM, or the RGCM, and a cursory review of the Medals and Awards Manual indicates that he is not eligible for any of these medals. He is not eligible to receive the NDSM because he only performed short tours of active duty to fulfill training obligations under an inactive duty training program. He is not eligible to receive the CGM because he did not perform four consecutive years of active duty, and he is not eligible for the RGCM because he was in the Reserve for only two years and the medal requires a minimum of four consecutive years of reserve duty.

3. Accordingly, the Board will not excuse the application’s untimeliness or waive the statute of limitations and his request should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

⁶ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

ORDER

The application of former SN [REDACTED], USCGR, for correction of his military record is denied.

May 29, 2020

