

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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2024-113**

  
SN (former)

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**FINAL DECISION**

This proceeding was conducted according to 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 February 24, 2024, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated April 24, 2025, 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), asked the Board to correct his record to show that he received the Vietnam Gallantry Cross and the Navy Combat Ribbon. He also asked the Board to correct his DD 214<sup>1</sup> by removing the notation that he was not recommended for reenlistment. He stated that he wants the "not recommended for reenlistment" statement removed because it bothers him and feels that he deserves some respect because he volunteered to serve in the Coast Guard. In support of his application, he submitted a copy of his DD 214 and a copy of an article from the Navy Times from December 1970. The article lists the Coast Guard units eligible to receive the Republic of Vietnam Armed Forces Meritorious Unit Citation (Gallantry Cross). The applicant circled Owasco and Point Dume, but did not explicitly state that he had been assigned to these cutters.

The applicant did not state when he discovered the alleged errors in his record nor did he argue why the Board should waive the three-year statute of limitations and consider his request.

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<sup>1</sup> The DD Form 214 provides the member and the service with a concise record of a period of service with the Armed Forces at the time of the member's separation, discharge or change in military status (reserve/active duty). In addition, the form is an authoritative source of information for both governmental agencies and the Armed Forces for purposes of employment, benefit and reenlistment eligibility, respectively. The DD Form 214 is issued to members who change their military status among active duty, reserve, or retired components or are separated/discharged from the Coast Guard to a civilian status. COMDTINST M1900.4D.

### SUMMARY OF THE RECORD

The applicant served on active duty in the Coast Guard from September 18, 1967, to September 17, 1971. His record shows that he served aboard the United States Coast Guard Cutter (USCGC) Owasco (WHEC 39) with Coast Guard Squadron Three from July 31, 1968 to July 30 1970. His record does not show that he served on the CGC Point Dume.

On March 17, 1971, an administrative remarks form was placed in the applicant's record documenting that he was not recommended for reenlistment "due to the fact that throughout his Coast Guard career, he has shown very little initiative to advance in rate."

The applicant's DD 214 shows that he received an honorable discharge on September 17, 1971, was not recommended for reenlistment, and had received the following medals and awards during his enlistment:

- National Defense Service Medal
- Vietnam Service Medal with one bronze star
- Republic of Vietnam Campaign Medal with Device
- Coast Guard Good Conduct Medal

### VIEWS OF THE COAST GUARD

On February 28, 2025, a judge advocate (JA) of the Coast Guard submitted an advisory opinion in which he recommended that the Board grant partial 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 recommended that the Board grant partial relief because the applicant is eligible to receive the Gallantry Cross Medal w/Palm and the Combat Action Ribbon. PSC argued that the applicant is eligible to receive the Gallantry Cross Medal because the Vietnamese government issued the medal to Naval Forces Vietnam and all subordinate units from February 8, 1962, to March 28, 1973. PSC noted that the applicant served in Vietnam aboard the CGC Owasco in 1968.

PSC noted that the applicant asked the Board to correct his record to show that he received the Navy Combat Ribbon, but did not provide any supporting documentation to support his claim. PSC assumed that he is referring to the Combat Action Ribbon and argued that he is eligible for the ribbon because he served aboard the CGC Owasco in 1968 and Enclosure (2) of the Military Medals and Awards Manual states that members of the Owasco are eligible for the Combat Action Ribbon for service performed on November 6, 1968.

PSC argued that the "not recommended for reenlistment" statement on the applicant's DD 214 should not be changed. PSC noted that his command conducted a reenlistment interview with him and counseled him that he was not recommended for reenlistment due to his lack of initiative towards advancing in rate. PSC argued that more than 50 years after the fact it must be presumed that Coast Guard officers at the time acted with regularity in making that recommendation.

### APPLICABLE LAW AND REGULATIONS

Enclosure (16) to COMDTINST M1625.25E, the current Coast Guard Military and Awards Manual, states that the Gallantry Cross Medal Color with Palm was awarded by the Chief of the Joint General Staff, Republic of Vietnam Armed Forces, for service from February 8, 1962 to March 28, 1973.

Enclosure (2) to the Awards Manual states that the crew of the CGC Owasco is eligible for the Combat Action Ribbon for service on November 6, 1968.

Chapter 12.B.4.b. of the Coast Guard Personnel Manual from 1988 (the oldest Personnel Manual available to the Board), states that the commanding officer shall advise each member before their enlistment expires whether he is eligible to reenlist. The commanding officer shall fully inform a member ineligible to reenlist of the reasons, assign him the proper code, and process the member for separation.

### APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On March 5, 2025, the BCMR sent the applicant a copy of the Coast Guard's recommendation and invited him to submit a response. The Board did not receive a response.

### 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 over this matter under 10 U.S.C. § 1552(a) because the applicant is requesting correction of an alleged error or injustice in his Coast Guard military record. The Board finds that he has exhausted his administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued.

2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>2</sup> The applicant was discharged in 1971 and did not explain when he discovered the alleged errors nor did he explain why he waited more than fifty-four years to submit his application. To determine whether his application is timely, the Board must decide what the preponderance of the evidence shows about his discovery of the alleged error.<sup>3</sup>

3. The preponderance of the evidence shows that his application is untimely because nothing prevented the applicant from discovering the alleged errors shortly after his discharge.

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<sup>2</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

<sup>3</sup> *Wielkoszewski v. Harvey*, 398 F.Supp.2d 102, 109 (D.D.C. 2005) (“The Court recognizes that *McFarlane* counsels that the date of discovery should be the actual date, and not the date at which a hypothetical “reasonable person” would have discovered the error or injustice. *McFarlane v. Sec’y of the Air Force*, 867 F.Supp. 405, 412 (E.D.Va.1994). Nevertheless, this does not mean that the actual date of discovery is whenever a plaintiff says it is.”).

However, the JA and the Board have identified errors in his record that should be corrected, so the Board will waive the statute of limitations.

4. The applicant asked that his record be corrected to show that he received two medals for his Vietnam service and by removing the “not recommended for reenlistment” statement on his DD 214. When considering allegations of error and injustice, the Board begins its analysis 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.<sup>4</sup> 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.”<sup>5</sup>

5. The Board finds that the applicant is eligible for the Gallantry Cross Medal Color with Palm. His record shows that he served aboard the CGC Owasco in Vietnam with Coast Guard Squadron Three from July 31, 1968 to July 30 1970, and pursuant to Enclosure (16) to the Coast Guard Medals and Awards Manual, the medal was awarded by the Republic of Vietnam Armed Forces for service from February 8, 1962 to March 28, 1973.

6. The Board finds that the applicant is eligible for the Combat Action Ribbon. His record shows that he served aboard the CGC Owasco in Vietnam in 1968 and pursuant to Enclosure (2) to the Awards Manual, the crew of the CGC Owasco is eligible for the Combat Action Ribbon for service on November 6, 1968.

7. The Board finds that the applicant’s request to have the “not recommended for reenlistment” statement on his DD 214 removed should be denied. He did not provide any support for his request and thus failed to prove by a preponderance of the evidence that the Coast Guard committed an error in not recommending him for reenlistment. The disputed record is presumptively correct,<sup>6</sup> and the record contains no persuasive evidence that substantiates his allegations of error that the statement is incorrect.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

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<sup>4</sup> 33 C.F.R. § 52.24(b).

<sup>5</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

<sup>6</sup> 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.”).

**ORDER**

The application of former SN [REDACTED], USCG, for correction of his military record is granted in part. The Coast Guard shall prepare and send him a DD 215 correcting his record to show that he earned the Gallantry Cross Medal Color with Palm and the Combat Action Ribbon for his service aboard the CGC Owasco from July 31, 1968 to July 30, 1970. All other requests are denied.

April 24, 2025

