

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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2024-087**

  
E1 (former)

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**FINAL DECISION**

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552. The Chair docketed the case after receiving the completed application on January 10, 2024, and assigned it to an attorney to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision dated March 13, 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 is a former E1 and discharged on January 19, 1983, after serving in the US Coast Guard for seventeen (17) days according to the applicant's DD214. The applicant asserts that after being given allergy medicine she discovered an allergy to the medicine and spent three more days in the sick ward during bootcamp prior to being sent home with an honorable characterization, RE code RE-4, and a discharge narrative of unsuitability. She expresses frustration with this term of unsuitability because it has made her feel unwanted and inadequate. Her mother kicked her out of the house after bootcamp, she spent several years homeless, and alleges she has never been the same since being discharged. The discharge occurred without her consent and without an opportunity to protest. The applicant states she would have performed twenty (20) years of honorable service, but for the improper and unjust discharge. She is seeking a correction to her DD-214 to remove the unsuitability narrative reasoning and be placed on a retirement list with applicable back pay and benefits.

**SUMMARY OF THE RECORD**

On January 3, 1983, the applicant joined the US Coast Guard and served for seventeen (17) days of active duty prior to her discharge on January 19, 1983. There are no other documents available regarding the applicant's separation or surrounding military history other than her DD214 due to the over forty (40) years that have passed since the applicant's discharge.

The applicant was discharged for unsuitability under Art 12-B-16 CG PERSMAN COMDTINST M1000.6 (1982), with a Reenlistment Code of RE-4, and a characterization of service as Honorable. It is noted that the applicant used a maiden name during service and now

applies to the Board under a married name. Due to the lapse of time and limited days of service performed by the applicant, there is not a breadth of documentation for the Board to consider. However, the original DD-214 that includes the applicant's signature is present in the documentation confirming receipt of the DD-214 in 1983 by the applicant.

### **VIEWS OF THE COAST GUARD**

On December 26, 2024, a Judge Advocate (JA) for the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum on September 23, 2024, prepared by the Coast Guard Personnel Service Center (PSC).

The JA concurred with the PSC evaluation of the applicant's request. PSC determined there was no error or injustice and the applicant's request should be denied.

The JA argued that the applicant failed to prove an error or injustice for her discharge for unsuitability during bootcamp. The Coast Guard may discharge recruits from training centers with less than four months of active duty for unsuitability.<sup>1</sup>

The JA argues that the applicant's request is untimely, and review would be prejudicial to the Coast Guard due to lost files that could more accurately depict the process of separation than by the applicant's recollection alone. Additionally, the applicant's claim of being unaware and having never signed her DD-214 is refuted by evidence of her signature on the original form procured by PSC. There is no moving reasoning by the applicant to waive the timeliness requirement of three years and thus the application should be denied.

The JA concludes that the applicant received a proper discharge from the Coast Guard and her application is untimely. For these reasons, the application should be denied.

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

On January 15, 2025, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty (30) days. The applicant has not provided a response to date.

### **APPLICABLE LAW AND POLICY**

1. 33 C.F.R. § 52.22. An application for correction of a record must be filed within three years after the Applicant discovered or reasonably should have discovered the alleged error or injustice.

2. The Doctrine of Laches can be raised as an affirmative defense before the BCMR. In order to prevail on this issue, the government must prove (1) that there was a delay and (2) that such delay prejudiced the government. *Allen v. Card*, 799 F. Supp. 158, 165 (D.D.C. 1992).

3. Art. 12-B.16 of CG Personnel Manual, COMDTINST M1000.6 (1982).

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<sup>1</sup> Art. 12-B.16 of CG Personnel Manual, COMDTINST M1000.6 (1982)

## FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's 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. This matter is untimely and due to its delay has adversely prejudiced the Coast Guard. While the Board may hear cases that are untimely if an injustice occurred, this case does not present that fact pattern.<sup>2</sup> The Coast Guard is to maintain its presumption of regularity in that it is presumed to have conducted the separation without error or injustice and the burden of proving the Coast Guard made an error or injustice rests on the applicant.<sup>3</sup> The Board cannot verify that the applicant had an allergic reaction to medicine provided by the Coast Guard causing the applicant to remain in the sick bay during bootcamp for multiple days up and until her discharge. There is no other information surrounding this discharge. The considerable length of time between the applicant's request and her discharge prejudices the Coast Guard due to the loss of records to time.
3. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>4</sup> The applicant was discharged in 1983. Therefore, the applicant knew of the alleged error in her record or perceived injustice of command action in 1983, and her application is untimely.
4. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>5</sup> 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"<sup>6</sup> 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." The applicant has failed to provide compelling reasons for the delay.
5. The disputed record is presumptively correct, and the record contains no persuasive evidence that substantiates her allegations of error or injustice in her official military record. Due to the length of time (over 40 years has passed) the loss of records to review the details surrounding the discharge have been lost. The applicant has not shared evidence that demonstrates the Coast Guard acted in a way against policy to create an error or in a manner unjust to the applicant. Accordingly, the Board does not have evidence before it showing the applicant was improperly discharged for unsuitability within the defined terms of this narrative reasoning. The burden is on the applicant to produce such evidence, and she has not done so.

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<sup>2</sup> No correction may be made unless the applicant files a request for the correction within three years after discovering the error or injustice. However, a board may excuse a failure to file within three years after discovery if it finds it to be in the interest of justice. (10 USC 1552).

<sup>3</sup> 33 C.F.R. § 52.24 (b).

<sup>4</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

<sup>5</sup> 10 U.S.C. § 1552(b).

<sup>6</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

6. Given the limited evidence to support the applicant's assertions and the review of Coast Guard policy on recruit discharge narratives, the Board finds that the interests of justice do not require the excusal of applicant's failure to file within three years of discovery of the alleged error or injustice. For this reason, relief is denied.

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

**ORDER**

The application of former E1 [REDACTED] (formerly [REDACTED]), USCG, for an upgrade to her narrative reasoning, being added to the retirement list with applicable benefits and backpay, and the request for back pay for twenty years she proports she would have served is denied.

March 13, 2025

