

DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS

**Application for Correction of
The Coast Guard Record of:**

BCMR Docket No. 2024-211


E-1/SR

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 completed application on September 13, 2024, and assigned the case to a staff attorney to prepare the decision in accordance with 33 C.F.R. § 52.61(c).

This final decision, dated July 10, 2025 is approved and signed by the three (3) duly appointed members who were designated to serve as the Board in this case.

APPLICANT’S REQUEST AND ALLEGATIONS

Applicant, a former SN/E-1, requests correction of his DD 214. Specifically, he states that the character of service designation should be upgraded from Under Other Than Honorable Conditions to Honorable, on the basis that he has PTSD. Applicant states that he has been unable to work since his discharge, has suffered mental health issues his “whole life,” and has lived with shame for having been discharged Under Other Than Honorable Conditions. He further states that he is now in therapy, his life is improving, and he feels he deserves an Honorable discharge for “all [that he has] done and all [he has] gone through.” Applicant does not give a reason for making his application beyond the three (3) year statute of limitations.

In support of his application, Applicant submitted his DD 149. No additional material was included.¹

¹ In 2024, the BCMR’s then-Chair notified Applicant that his application would not be considered complete until his medical record from the Department of Veterans Affairs was received, or unless he chose to proceed without its review. The Chair advised that if no response to the letter was received within thirty (30) days, the matter would be docketed for consideration. No communication was received from Applicant.

SUMMARY OF THE RECORD

The Applicant enlisted into the Coast Guard on October 17, 1988, in Bucks Harbor, Maine. From on or about April 1989, until February 1990, Applicant was absent without leave (AWOL) from service, having missed scheduled movement of the CGC Gallatin. In February 1990, he was apprehended by civilian authorities and released to Coast Guard custody, where court-martial proceedings were commenced. In May 1990, Applicant appeared for summary court-martial proceedings on UCMJ Arts. 85 (Desertion), 86 (Absence without leave), and 87 (Missing movement). After being advised of his rights by a law specialist, Applicant voluntarily requested to be discharged “under other than honorable conditions for the good of the Service in lieu of trial by court-martial under circumstances which could lead to a bad conduct or dishonorable discharge.” On July 13, 1990, Applicant was discharged under other than honorable conditions for the good of the Service, with a separation code of KFS (Good of the Service, in lieu of court martial), and re-enlistment code of RE-4 (not eligible for re-enlistment).

Applicant’s service record does not include medical records to support the claim of having PTSD. Instead, the medical records include standard, periodic medical examinations (physical and hearing), as well as records of dental procedure(s). There is no record of trauma or service-related injury.

VIEWS OF THE COAST GUARD

On April 4, 2025, a Judge Advocate (JA) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief in accordance with a memorandum submitted by the Commanding Officer of the Coast Guard Personnel Service Center (CG PSC).

The CG PSC considered the Applicant’s record, finding the request untimely, being brought more than three (3) years after discharge. Concerning the merits of Applicant’s claim, PSC noted that Applicant provided no evidence of having been diagnosed with service-related PTSD or a traumatic brain injury. Further, Applicant was classified a deserter after going AWOL (Absent Without Leave). When apprehended, civilian authorities found him in possession of less than one gram of hashish.

CG PSC found no basis to support Applicant’s claim to have his discharge characterization upgraded to Honorable. Further, PSC noted that the Applicant was advised of his rights before voluntarily requesting to be discharged for the good of the Service in lieu of trial by court-martial, “with ‘Under Other Than Honorable’ characterization of service.”

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 24, 2025, the Chair sent the Applicant a copy of the Coast Guard’s views and invited him to respond within thirty days. No response was received.

APPLICABLE REGULATIONS

The Coast Guard Personnel Manual, COMDTINST M1000.6A (1988), provides the following, in pertinent part:

12.B. Separating Active Duty Enlisted Members

12.B.2.c. Types of Discharge

- c. Discharge Under Other Than Honorable Conditions, DD Form 794 CG—Separation under conditions other than honorable.

12.B.2.f. Standards for Discharge

3. Discharge Under Other Than Honorable Conditions. The Service may issue a discharge under other than honorable conditions for misconduct, security reasons or good of the Service if an administrative discharge board approves a recommendation for such a discharge or the member waives his or her right to board action. Such a discharge will be issued in lieu of trial by court-martial only if the Commandant determines an administrative discharge will best serve the interests of both the Service and the member.

12.B.2.g. Reenlistment Codes

4. RE-4 Not eligible for reenlistment.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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 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.² The Applicant received his DD-214 on or about July 13, 1990, the date he was discharged from the Service. Consequently, a preponderance of the evidence shows that the applicant knew or should have known of the alleged error as of that date. Accordingly, 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.³ 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”⁴ to determine whether the interest of

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

³ 10 U.S.C. § 1552(b).

⁴ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

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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.”⁵

a. The applicant in this case delayed filing his application without providing justification for its untimeliness. Furthermore, Applicant’s record of service does not support his claim that the characterization of service on his DD 214 should be upgraded. The Board finds there is no basis to waive the statute of limitations.

b. Concerning the potential merits of Applicant’s claim, the Board finds that it is not in the interest of justice to excuse the untimeliness of the application.

i. Applicant was absent without leave from on or about April 1989 until February 1990, when he was apprehended by civil authorities with contraband (hashish).

ii. Applicant was charged with violating UCMJ Articles 85 (Desertion), 86 (Absence without leave) and 87 (Missing movement), and the command elected to proceed to trial by court-martial.

iii. Applicant voluntarily requested to be discharged under other than honorable conditions for the good of the Service in lieu of trial by court-martial empowered to adjudge a punitive discharge. In effect, he agreed to an unfavorable administrative discharge in exchange for referral of his case to a summary court-martial, which has no power to adjudge a bad-conduct or dishonorable discharge.

iv. Applicant’s request was approved, and he was discharged under other than honorable conditions on July 13, 1990.

v. Applicant’s record does not establish that Applicant suffered any service-related injury or injuries, or any diagnoses or complaints of post-traumatic stress disorder. He also submits no evidence to support his medical claims.

vi. While this Board may consider post-service conduct to consider upgrades on the basis of clemency, the applicant has submitted no evidence to support relief on that basis. His own description of “shame” and “going through hell” since his discharge are presented as bare assertions unsupported by evidence.

c. Accordingly, this Board will not excuse the untimeliness of the applicant’s request. The applicant bears the burden of supporting his claims with substantial evidence, and he failed to do so. Based on a cursory review, his application is without merit. His application is therefore denied.

[ORDER AND SIGNATURE ON NEXT PAGE]

⁵ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

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ORDER

The application of former SR, [REDACTED], USCG, for correction of his military record, is DENIED.

July 10, 2025

