

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-212


(former) FN

FINAL DECISION

This proceeding was conducted by the Board for Correction of Military Records of the Coast Guard (hereinafter “Board”) 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 pursuant to 33 C.F.R. § 52.61(c).¹

This final decision, dated September 11, 2025, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

INTRODUCTION

The applicant, a former Fireman (FN/E-3), was administratively discharged from the Coast Guard with an Other Than Honorable (OTH) characterization of service on October 28, 1994. He has requested that the characterization be changed to Under Honorable Conditions (General) on the basis that the conduct which led to his discharge was caused by posttraumatic stress disorder (PTSD).

SUMMARY OF THE RECORD

Before joining the Coast Guard, the applicant served in the United States Marine Corps (USMC) from November 1987 to August 1991, and in a state Air National Guard (ANG) from January 1992 to September 1993. He received Honorable discharges from both services.²

¹ The applicant’s DD Form 149 (Application for Correction of Military Record) was originally received by the Board on July 29, 2021. The application was not considered complete and reviewable, however, until the applicant’s personnel records were obtained in September 2024.

² No personnel records related to the applicant’s USMC and/or ANG service were submitted to the Board. The information regarding service dates and Honorable discharges from both services noted above derive from a Coast

The applicant enlisted in the Coast Guard on September 14, 1993. On a pre-enlistment report of medical history, he denied any history of “depression or excessive worry,” or “nervous trouble of any sort.” After he completed bootcamp, he was assigned to a cutter in November 1993.

On April 8, 1994, the applicant went on 11 days of approved regular leave. During this time, he learned from his mother that his father had been ill. The applicant returned to his cutter on April 20, but missed a movement of the cutter on April 30, and missed an additional movement on May 1. He was declared a deserter on May 10.

On July 20, 1994, the Coast Guard Investigative Service (CGIS) received a request to locate and apprehend the applicant. The next day, a CGIS agent interviewed three members stationed on the applicant’s cutter. These members reported that the applicant had been having trouble adjusting to being an E-3 in Coast Guard after being an E-4 in the USMC and ANG. They also reported that the applicant had trouble taking orders from supervisors and had alienated himself from other crew due to a lack of respect for others. The next day, another member was interviewed who reported that the applicant had mentioned his father was very sick and talked about going absent without leave (AWOL).

On August 3, 1994, the applicant was apprehended without incident at his parents’ residence in his home state. On August 5, he was transported by a CGIS agent via commercial airline to his cutter’s home port. He was interviewed by other agents later the same day. The CGIS Report of Investigation (ROI) summarized the interview as follows:

SUBJECT realized he didn’t want to be in the Coast Guard when he found out that his father was sick and wouldn’t get medical help. He stated there is no job satisfaction in the Coast Guard and his father’s illness was the straw that broke the camel’s back. SUBJECT expected a 9-5 job that would have enabled him to attend college on a part time basis. SUBJECT thought he would stick it out even though his duty schedule was one out of four and the ship was frequently deployed. His mind changed when shipmates gave him a hard time over and beyond normal initiation pranks. SUBJECT spoke with the Main Propulsion Officer who in turn said he would talk to the XO about the possibility of a humanitarian discharge. SUBJECT was informed that he would have to submit a letter to Commandant, but since he was tired of little things that were happening to him aboard the ship, SUBJECT took off. He flew home on 25 April 1994 and began working with his father. He hoped to enroll in [a] State University. SUBJECT stated he knew he had a problem and wanted to turn himself in but decided to do this “later on.” SUBJECT spoke of a work related incident that occurred onboard [his cutter] which he included in his written statement. Prior to departing [his cutter], SUBJECT stated he told several people of his intentions to go AWOL, mostly all the people he worked with in Main Propulsion.

In the written statement referenced in the ROI – a three-page handwritten “Voluntary Statement of a Military/Civilian Suspect” – the applicant stated the following:

Guard Investigative Service agent’s summary of his review of the applicant’s service history. The USMC dates are also consistent with the applicant’s Coast Guard separation documents, which indicate approximately three years and nine months of active duty military service prior to entry into the Coast Guard. For purposes of this decision, the Board finds no reason to doubt the prior service dates and characterizations provided.

I left [my cutter] on April 25th 1994 for several reasons. The main one being that when I was home on leave my mother after talking with her about how I felt told me that my dad wasn't feeling too good. I talked to my MPO and told him that after finding out what I did, I felt that I didn't want to be in the Coast Guard anymore. While on the [cutter], I felt like I had been given a hard time on several occasions. I was accused of being involved in actions that led to an injury. PO3 [X] was working on a generator with me and two other firemen. She was taking measurements off of the pistons and I was helping her. I volunteered to do the measuring but she insisted on doing it herself. The other two firemen were cranking the crank shaft in order to make the pistons go up and down. There was a fourth FA involved but she was on top of the generator cleaning it[.] She could only see me [and] the petty officer from where she was. The engine room was blaring so I don't know how Petty Officer [X] expected FA [Y] and FN [Z] to hear her tell them to crank it and to stop. On one of those times they didn't hear her and she got her finger caught on top of the piston and it was being smashed. She turned to me and told me to tell them to stop so I ran around the generator told them to stop and to crank it the other way to see if it would slack up. I don't know for sure if it gave her some slack but she got her finger out. Senior Chief [A] came down and instead of asking the people who were directly working with [X] he asked the girl on top of the generator to explain what happened. He asked her if we were joking around and she told him no more than usual. When [A] heard this he blew up. He held a meeting and asked us who didn't want to be in the Coast Guard and that he wasn't going to tolerate horse play in the engine room. As far as I know, no one was horseplaying. I couldn't even see the other guys from where I was at, but I guess the people involved was enough to convince [A] that there had been some horseplaying. I kind of don't blame him because me and [Z] were kind of known as jokers, but I know I never messed around moving parts. The Petty Officer later came forward and told [A] that it was her fault and that we had been doing a good job, but [A] never ever apologized, maybe he's just like that I don't know. Like I said I felt like I had been harassed on some occasions but overall they just probably wanted me to be a good fireman. I don't hold any grudges against anyone. I just thought the [Coast Guard] was going to be more relaxed that I would be able to attend some college courses at night but I couldn't. I just wanted to better my life but it didn't work out that way. I don't want anyone to be offended or anything but the Coast Guard life just isn't for me.

In late August 1994, the applicant was charged with one specification under Uniform Code of Military Justice (UCMJ) Article 85 (Desertion) and two specifications under Article 87 (Missing Movement).

In a memorandum dated September 1, 1994, the applicant requested an OTH discharge in lieu of trial by court-martial "under circumstances which could lead to a bad conduct or dishonorable discharge." The applicant stated that he understood the elements of the offenses with which he had been charged, had been fully advised by his assigned counsel of the implications of his request, and was completely satisfied with the counsel he had received. He also stated that he understood that an OTH discharge might deprive him of virtually all veterans' benefits based on his current period of service and might result in other prejudice in civilian life. The applicant also stated that he was declining to submit a sworn or unsworn statement on his behalf.

In memoranda dated September 9 and September 19, 1994, two senior Coast Guard officials endorsed the applicant's request for an OTH discharge, with one official stating that approval of the request would provide the Coast Guard with a "guaranteed and acceptable closure of the case."

The applicant underwent a general medical examination on September 12, 1994, and the examiner marked “Normal” for the psychiatric evaluation. On an accompanying report of medical history completed by the applicant, he denied any history of “depression or excessive worry” or “nervous trouble of any sort.” A separate psychiatric evaluation was also documented on a “Chronological Record of Medical Care” form, and although the provider’s handwriting is mostly illegible, the readable portions state that the applicant had “no psychological disturbances” and reported no history of such.

The applicant’s request for an OTH discharge in lieu of court-martial was granted, and on October 28, 1994, he was discharged with an OTH characterization of service.

In a decision dated March 22, 2021, the U.S. Department of Veterans Affairs (VA) granted service connection for “PTSD (also claimed as anxiety and insomnia)” with a 70 percent disability rating effective September 23, 2020.³

APPLICATION

In his submission to the Board, the applicant stated that his request was based on his firm belief that he had developed “non-combat related PTSD” during his service in the USMC and/or Coast Guard. He first referred to the VA decision referenced above, which he stated had been based on his visit to a psychologist who had asked him questions about his service.

The applicant stated that in the USMC, he was “physically assaulted on several occasions ... and was assaulted and received a death threat from a Gunnery Sergeant” He also stated that he “experienced a lot of racism ... in the Marine Corps from superiors (enlisted) and fellow enlisted Marines.”

The applicant stated that he enlisted in the Coast Guard believing it would be different, but found he was mistaken. He explained that although he “did not experience overt racism” in the Coast Guard, “there appeared to be a great deal of disdain and disrespect towards [him] as an individual and a fellow service member.” The applicant stated that he was assaulted on more than one occasion on his cutter. Specifically, he stated that a petty officer had sprayed detergent in his face in the engine room, a different petty officer shoved him during a drill, and he was physically assaulted by another petty officer. The applicant asserted that he had not reported these incidents or issues to his superiors

³ A “service connected” condition, for VA purposes, is an illness or injury that a preponderance of the evidence available to the VA’s Veterans Benefits Administration establishes was caused or worsened by a veteran’s active military service. *See* 38 C.F.R. Part 3; <https://www.va.gov/disability/eligibility/>. A percentage evaluation between 0 and 100 (in increments of 10) is assigned for each service connected condition based on its severity. *See* 38 C.F.R. Part 4; <https://www.va.gov/disability/about-disability-ratings/>. The evaluations for all of a veteran’s service connected conditions are combined, and this combined rating between 0 and 100 corresponds to a dollar amount which is paid as tax-free monthly compensation to the veteran. *Id.*

because he did not believe anything would be done, and because he feared being harassed and/or retaliated against. He also stated, however, that he believed upper enlisted members and officers were aware of the incidents in question but had failed to investigate.

The applicant stated it was his belief that he had PTSD at the time of his discharge from the USMC and entry into the Coast Guard, and that all of the situations he described had contributed to him “going AWOL/UA and eventually becoming a deserter in 1994.”

The applicant requested that the Board consider that he had been honorably discharged from the USMC and ANG before joining the Coast Guard. He also emphasized that despite his PTSD, he had gone on after service to graduate from college with several degrees, to work as a teacher for more than 20 years, and to be a productive member of society.

In addition to a copy of the VA’s notification letter for its March 2021 decision, the applicant submitted college transcripts showing that he obtained a bachelor’s degree in 2000, a master’s degree in 2003, and an additional bachelor’s degree in 2010. He also submitted a pay stub showing that as of June 2021, he was employed as a public high school history teacher.

VIEWS OF THE COAST GUARD

The Coast Guard provided its views in memoranda prepared by the Personnel Service Center (PSC) and a Coast Guard Judge Advocate (JA) in June and July 2025, respectively. The Coast Guard first noted that the application was submitted more than 25 years after the applicant’s discharge, and that the applicant had offered no explanation for the submission’s untimeliness.

The Coast Guard then contended that the applicant had requested the OTH discharge he ultimately received, on the advice of counsel, and had not made any allegation of error in the processing of his separation. It then emphasized that prior to his discharge, the applicant had attributed his decision to go AWOL to his father’s illness and the lack of flexibility in his duty schedule, among other factors. The Coast Guard further noted that while the applicant had reported some issues with shipmates, he acknowledged that “overall they probably just wanted me to be a good fireman.” Under these circumstances, the Coast Guard argued, the applicant had not met his burden to demonstrate an error or injustice in the record.

APPLICANT’S RESPONSE

The Board provided the applicant with the Coast Guard’s views on July 14, 2025, and afforded him the opportunity to submit a response within 30 days. No response has been submitted.

APPLICABLE LAW AND POLICY

Article 12.B.21.a. of the Coast Guard Personnel Manual, COMDTINST M1000.6A (1988) (hereinafter “*PERSMAN*”) provides as follows:

An enlisted member may request a discharge under other than honorable conditions for the good of the Service in two circumstances: in lieu of UCMJ action if punishment for alleged misconduct could result in a punitive discharge or at any time after court-martial charges have been preferred against him or her. This request does not preclude or suspend disciplinary proceedings in a case. The officer who exercises general court-martial jurisdiction over the member concerned determines whether such proceedings will be delayed pending final action on a request for discharge. Send requests for discharge under other than honorable conditions for the good of the Service through the officer exercising general court-martial jurisdiction for his or her personal review and comment.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on the applicant’s military record, his submissions, the Coast Guard’s submission, and applicable law and policy:

Preliminary Issues

1. The Board has jurisdiction under 10 U.S.C. § 1552(a), as the applicant is seeking a correction of an alleged error and/or injustice in his military records. The applicant 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.⁴

2. The applicant declined a hearing before the Board and requested his application be considered based on the records and evidence submitted.

3. The Board may “correct any military record . . . when [it] considers it necessary to correct an error or remove an injustice.” 10 U.S.C. § 1552(a)(1). “Error” means a mistake of a significant fact or law and includes a violation by the Coast Guard of its own regulations. *See Reale v. United States*, 208 Ct. Cl. 1010, 1011 (1976) (“‘Error’ means legal or factual error.”); *Ft. Stewart Schools v. Federal Labor Relations Authority*, 495 U.S. 641, 654 (1990) (“It is a familiar rule of administrative law that an agency must abide by its own regulations.”). “Injustice,” when not also error, is treatment by the military authorities that “shocks the sense of justice.” *Sawyer v. United States*, 18 Cl. Ct. 860, 868

⁴ While the Coast Guard Discharge Review Board (DRB) is authorized to adjudicate “discharge upgrade” requests, applications must be filed within 15 years of a member’s discharge. *See* 10 U.S.C. § 1553(a). Because the applicant was discharged in 1994, submission of a request to the DRB is not considered an available administrative remedy in this case.

(1989) citing *Reale v. United States*, 208 Ct. Cl. 1010, 1011, cert. denied, 429 U.S. 854, 50 L. Ed. 2d 129, 97 S. Ct. 148 (1976). The Board has authority to determine whether an injustice exists on a “case-by-case basis.” Docket No. 2002-040 (DOT BCMR, Decision of the Deputy General Counsel, Dec. 4, 2002).

4. “The Board begins its consideration of each case presuming administrative regularity on the part of the Coast Guard and other Government officials. The Applicant has the burden of proving the existence of an error or injustice by a preponderance of the evidence.” 33 C.F.R. § 52.24(b). Absent evidence to the contrary, the Board presumes that Coast Guard officials have carried out their duties “correctly, lawfully, and in good faith.” *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979). In cases involving personnel decisions, “the military is entitled to substantial deference in the governance of its affairs.” *Dodson v. United States*, 988 F.2d 1199, 1204 (Fed.Cir.1993).

5. The Board’s authorizing statute and Department of Homeland Security policy provide for “liberal consideration” in favor of the applicant in certain cases in which the applicant alleges that the conduct which led to his or her discharge was attributable to PTSD. 10 U.S.C. § 1552(h)(2)(B). Importantly, however, this policy applies only when the applicant’s PTSD is related to participation in combat or military sexual trauma. 10 U.S.C. § 1552(h)(1). In this case, the applicant does not allege that his PTSD is related to combat or sexual trauma. Consequently, the liberal consideration policy does not apply.

Timeliness

6. The application is untimely because it was not filed within three years of the applicant’s discovery of the alleged error or injustice, as required by 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22. The applicant received an OTH discharge in September 1994 and did not apply to the Board until July 2021, almost 27 years later.

7. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.⁵ 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” 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.”

8. The applicant provided no direct explanation for his long delay in submitting an application to the Board. On his application form, however, he indicated March 2021 as the date when he discovered the alleged error or injustice underlying his request. Because

⁵ 10 U.S.C. § 1552(b).

the VA decision granting benefits for PTSD was dated in March 2021, the Board infers that the applicant is alleging that he learned of a potential connection between PTSD and his OTH discharge for the first time in March 2021. As discussed below, the record does not include any medical records or other evidence detailing the earliest date on which the applicant was diagnosed with PTSD or any other mental health condition(s). Under these circumstances, the Board will resolve the issue in favor of the applicant and waive the statute of limitations in order to fully consider the application's merits.

Analysis

9. The applicant voluntarily requested an OTH discharge in lieu of trial by court-martial to avoid the possibility of a punitive discharge (i.e., a dishonorable or bad conduct discharge). He was represented by counsel and asserted that the charges against him, and the implications of his request, had been fully and satisfactorily explained. Coast Guard policy in effect at the time – *PERSMAN* Art. 12.B.21. – provided a process for approving the applicant's request, and he has not alleged that he was denied due process or that the Coast Guard erred in implementing that process or committed any other legal or factual error. The Board finds no such error in its own review of the record.

10. Given that no error is alleged, the question before the Board is whether the applicant's receipt of an OTH discharge amounts to an injustice (i.e., "shocks the sense of justice"). The applicant has alleged that his misconduct was the result of PTSD stemming from physical assaults and other mistreatment during his USMC and Coast Guard service, and that his OTH discharge is therefore an injustice. The Board has considered the applicant's accounts of his in-service experiences, the VA notification letter, and documentation of the applicant's post-service accomplishments.

11. The applicant provided only the VA notification letter, and not the rating decision narrative which ordinarily accompanies such notifications. He also did not submit the underlying psychiatric examination report which formed the basis of the decision, or any other VA or private health records documenting mental health treatment or diagnoses at any time between his 1994 discharge and the present.⁶ Without such materials, the Board is unable to assess the factual basis for the VA's decision, the date of onset and subsequent history of his symptoms, or whether any medical evidence supports a finding that PTSD manifested prior to the applicant's discharge and/or that it may have contributed to his misconduct. Under these circumstances, while the VA rating – issued decades after the applicant's discharge – is evidence that the VA found he had PTSD with a causal connection to his service as of September 2020, it provides no direct support for the applicant's contention that his PTSD onset prior to his discharge or that it was a cause of his misconduct.

⁶ In a July 2024 letter, the Board informed the applicant that it had previously requested his Coast Guard personnel records and requested that the applicant submit his VA records or complete an authorization form allowing the Board to obtain them. The Board did not receive a response.

12. The applicant stated that he experienced racism in the USMC and was assaulted on multiple occasions in the USMC and Coast Guard. Other than recalling having detergent sprayed in his eyes and being shoved on separate occasions, the applicant did not provide details about these incidents, such as the dates on which they occurred, descriptions of the events leading to the assaults, who witnessed them, and the extent of any injuries suffered. The applicant also does not allege that after these incidents, or at any time prior to his discharge, he experienced any symptoms commonly associated with PTSD, such as flashbacks, nightmares, inability to recall key features of trauma, irritability, aggression, emotional distress or physical reactivity after exposure to traumatic reminders, hypervigilance, heightened startle response, difficulty concentrating, or difficulty sleeping. See https://ptsd.va.gov/professional/treat/essentials/dsm5_ptsd.asp.

13. Relatedly, the applicant denied any mental health symptoms on a September 1994 report of medical history prior to his discharge, and a separate psychiatric evaluation completed around the same time reflected normal results.

14. The applicant's contemporaneous CGIS interview and written statement show that he attributed his decision to desert primarily to his father's illness and his dissatisfaction with the lack of flexibility in his Coast Guard schedule to attend college classes. While he expressed dissatisfaction about an incident in which he was blamed for another member's injury, and other incidents in which he felt he was mistreated, he also acknowledged that his superiors "probably just wanted me to be a good fireman" and stated "the Coast Guard life just isn't for me."

15. The applicant's reported experience of racism in the USMC, and violence and other interpersonal difficulties in the Coast Guard are highly unfortunate. In addition, the applicant's post-service education and public service are to be commended. These factors, however, do not establish that the actions taken by the Coast Guard constitute an error or injustice.

16. After careful consideration of the entire record, for the foregoing reasons, the Board finds that the applicant has not established an error or injustice by a preponderance of the evidence. In summary, the request for an OTH discharge was initiated by the applicant on advice of counsel and was processed and granted by the Coast Guard in accordance with policy. The applicant's VA rating notification letter, in the absence of related documentation and supporting medical evidence, is outweighed by the applicant's contemporaneous denials of mental health symptoms and statements attributing his misconduct to other causes. Accordingly, the application will be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former FN/E-3 [REDACTED] is denied.

September 11, 2025

