

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 28-96

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on November 21, 1995, upon the BCMR's receipt of the applicant's request for correction of his military record.

The final decision, dated November 15, 1996, is signed by the three duly appointed members who were designated to serve as the Board in this case.

Applicant's Request for Relief

The applicant, a seaman in the Coast Guard during World War II, alleged that he should have become a seaman 1st class (S1c), rather than remain a seaman 2nd class (S2c). He alleged that he "should have become a S.1c." because he "never did anything wrong while in the Service." He also alleged that his "grandchildren" would like to see this injustice corrected, and he would like to see his "burial marker . . . read seamen (sic) 1st Class."

The applicant told the Board that his medical discharge papers classified him as a Seaman 1st Class, but that his discharge certificate referred to him as a Seaman 2d Class. He intimated that the application was filed 50 years after his discharge because only recently did it become "important to [his] family."

Views of the Coast Guard

On April 9, 1996, the Board received an advisory opinion from the Coast Guard regarding the applicant's request for relief.

The Coast Guard recommended that the application be denied on the ground that the applicant did not submit "substantial proof" in support of his allegation that he was advanced to Seaman First Class after boot camp. According to the Coast Guard "no evidence has been submitted." The Service said that the Board could find that the information submitted by the applicant was "insufficient to

demonstrate probable error or injustice."

Response of the Applicant

On April 10, 1996, a copy of the advisory opinion of the Coast Guard was sent to the applicant, who was urged to respond to the views of the Service.

The Board received the following response from the applicant: "I have tried in [vain] to have my rate corrected, as the evidence enclosed I was discharged [Seaman] 1st Class. . . . [I] hope & pray you will find your mistake and make it right."

PRIOR BCMR ACTION

In 1986, the applicant applied for a different correction to his military record. On March 25, 1986, the BCMR received an application from him asking that his discharge be upgraded from a general discharge under honorable conditions to an honorable discharge.

The then Chairman of the BCMR forwarded the request to the Enlisted Personnel Division of the Coast Guard for action on the ground that the "Board does not consider requests for administrative changes to military records."¹

FINDINGS AND CONCLUSIONS

The Board makes the following findings of fact and conclusions of law on the basis of the application and military record of the applicant, the advisory opinion of the Coast Guard, and applicable law:

1. The BCMR has jurisdiction of the case pursuant to section 1552 of title 10, United States Code.

2. The applicant alleged that he was advanced to the grade of Seaman First Class, as evidenced by the information recorded on a Physical Examination Record on April 18, 1945, the date of his separation from the Service.

4. Every other item in his military record indicated that the highest grade he ever achieved was Seaman Second Class: These include a memo of Nov. 21, 1944; a form N.C.G. 9541A (20 entries); a discharge certificate dated 4/18/45; and his N.C.G. 2500C service record.

5. His medical record did contain an NMS-Form M (Report of Medical Survey) listed his "Rank or rate" on February 15, 1945 as "S1CUSG." It recommended him for discharge from the Coast Guard on the ground that he was

¹ There is no such exception in section 1552 of title 10, United States Code.

Survey) listed his "Rank or rate" on February 15, 1945 as "S1CUSG." It recommended him for discharge from the Coast Guard on the ground that he was unfit for service.

6. On another medical record, a termination of health record form 2525 E, the applicant's rating was listed as "S 1/c. " That form was stapled in a booklet that was entitled "Health Record, U.S. Coast Guard" (Form 2525). It is not persuasive, however, because the following handwritten entry appears on the cover of that booklet: "Change Rating S 2/c."

7. The applicant has not established when or whether he was advanced to the grade of Seaman First Class. All the grades following his training were Seaman Second Class, with the exception of grades in his medical records. In a conflict between a military record and a medical record, as to the correct grade of a member, the military record has greater relevance.

8. Accordingly, the application should be denied.

ORDER

The application to correct the military record of JSCG, is denied.

