

**DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2000-063

FINAL DECISION

██████████ Attorney-Advisor:

This proceeding was conducted under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. It was docketed on February 3, 2000, when the application was completed by the receipt of the applicant's military records.

This final decision, dated November 16, 2000, is 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/health services technician (SNHS; pay grade E-3), asked the Board to correct block 13 on his DD Form 214 to show that he contributed to wartime action. He alleged that, as a hospital corpsman assigned to the Coast Guard Immunization Clinic, he "was in charge of the vaccination of ready forces prior to and during the ██████████ He alleged that he "administered vaccinations to the Special Forces, National Guard and other servicemen going over to that conflict." He stated that he worked "in the Physical Examination Office, where an ancillary responsibility was supervising all vaccinations/ immunizations."

The applicant indicated that he is seeking this correction because the State of ██████████ "issues tuition waivers for veterans with wartime service." He argued that the Board should waive the statute of limitations because it would be "fair" and because he did not learn about the tuition waiver until September 1999.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on [REDACTED]. After serving on the cutter [REDACTED] he attended health services technician school in [REDACTED]. He served at the Coast Guard Training Center in Alameda, California, from [REDACTED]. From [REDACTED] until he was honorably discharged on [REDACTED] he was assigned to the hospital at the Coast Guard Academy. His DD 214 indicates that the awards he received during his service include a Coast Guard Meritorious Unit Commendation and a Good Conduct Medal for his service at the training center, as well as a Pistol Marksman Ribbon.

APPLICABLE LAWS

Commandant Instruction M1900.4B governed the preparation of DD 214s at the time of the applicant's discharge in [REDACTED]. Under Article 1-C of the instruction, block 13 is supposed to include "all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service," as well as Good Conduct Awards, Purple Hearts, and Navy or Armed Forces Expeditionary Medals.

COMDTINST M1650.25B, the Medals and Awards Manual issued on [REDACTED] does not provide for any campaign or service awards concerning contributions toward the [REDACTED].

VIEWS OF THE COAST GUARD

On July 28, 2000, the Chief Counsel of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny the requested relief.

The Chief Counsel argued that the application should be denied because it "is untimely by approximately 10 years." He argued that the applicant knew or should have known the contents of block 13 on his DD 214 at the time of his discharge and that the applicant failed to justify the delay in filing his application.

The Chief Counsel also argued that the applicant's service "does not entitle him to any award for participation in any military action or campaign." He alleged that the applicant "has failed to prove that a campaign or service award applicable to Coast Guard personnel was even issued as a result of military [REDACTED] much less his entitlement to such a possible award."

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 submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10 of the United States Code.

2. An application to the Board must be filed within three years of the day the applicant discovers the alleged error in his record. 10 U.S.C. § 1552. The applicant was discharged in 1985 and knew or should have known of the content of block 13 at that time. Therefore, the Board finds that the applicant filed his application more than 11 years after the Board's statute of limitations expired. Thus, his application was untimely.

3. Pursuant to 10 U.S.C. § 1552, the Board may waive the three-year statute of limitations if it is in the interest of justice to do so. To determine whether it is in the interest of justice to waive the statute of limitations, the Board should conduct a cursory review of the merits of the case. *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

4. The Coast Guard's Medals and Awards Manual, COMDTINST M1650.25B, does not list any campaign or service awards authorized for members whose work supported the [REDACTED]. Nor has the applicant submitted any evidence indicating that such an award exists. Therefore, the Board's cursory review of the merits of this case indicates that block 13 on the applicant's DD 214 is neither incomplete or erroneous in this respect. See COMDTINST M1900.4B, Article 1-C.

5. Accordingly, the Board finds that it is not in the interest of justice to waive the statute of limitations in this case, and the applicant's request should be denied for untimeliness.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of former
USCG, for correction of his military record, is hereby denied.

