

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

Application for the Correction of
the Coast Guard Record of:

**FINAL DECISION
BCMR Docket No. 2014-088**

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SUMMARY OF THE RECORD

The applicant asked the Board to correct his discharge form DD 214 to show that he received the Korea Defense Service Medal (KDSM) for his service aboard the *CGC Jarvis* in support of Operation Foal Eagle in February 1998. He alleged that he is entitled to the medal because he served for a period of least 30 days in support of the operation. The applicant did not submit any evidence to support his claim; nor did he explain the delay in filing his application.

On June 11, 2014, the Judge Advocate General of the Coast Guard submitted an advisory opinion recommending that the Board deny relief in accordance with a memorandum submitted by the Personnel Service Center (PSC). PSC argued that relief should be denied because the application is untimely and because the applicant is not eligible for the KDSM medal. PSC argued that he is not eligible for the medal because he did not serve within the medal's area of eligibility (AOE) for 30 consecutive days as required by Article 5.A.15. of the Medals and Awards Manual. PSC stated that the applicant's records show that he served on the *CGC Jarvis* from October 21, 1998, until October 25, 1999, and that the *Jarvis* may have been involved in Operation Foal Eagle, but the operation lasted only 12 days. Accordingly, PSC argued, the duration of Operation Foal Eagle falls short of satisfying the 30 consecutive day requirement. Finally, PSC stated that it researched the travel logs for the *Jarvis* and determined that it did not operate within 12 nautical miles of Korea for 30 consecutive days in 1998.

FINDINGS AND CONCLUSIONS

The application is untimely because the applicant was discharged and received his DD 214 on August 3, 2008, and under 10 U.S.C. § 1552(b), an application to the Board must be filed within three years after the applicant discovers the alleged error or injustice. The preponderance of the evidence shows that the applicant knew that he had not been awarded a KDSM in 2008, and he did not explain his delay in submitting his application to the Board.

The applicant has failed to submit evidence to rebut the presumption that his military record is correct without the KDSM. Article 5.A.15. of the Medals and Awards Manual states that the KDSM is authorized for members who served in support of the Republic of Korea, that the AOE includes the contiguous waters out to 12 nautical miles, and that the member must have been assigned, attached, or mobilized to units operating within the AOE for 30 consecutive days or 60 non-consecutive days. The record shows that the applicant served aboard the *Jarvis* from 1998 to 1999 and may have participated in the 12-day Operation Foal Eagle, but this does not satisfy the requirements of Article 5.A.15. There is nothing in the record to show that the *Jarvis*

operated within 12 nautical miles of Korea for 30 continuous days or 60 non-continuous days while the applicant was aboard. Accordingly, the Board will not waive the statute of limitations, and the application should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former [REDACTED], for correction of his military record is denied.

November 7, 2014

