

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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2014-228**



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**FINAL DECISION**

This proceeding was conducted under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the application upon receipt of the applicant's completed application on December 2, 2014, and assigned it to staff member [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated July 10, 2015, is approved and 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 asked the Board to correct his DD 214 to show that he received a seventh Coast Guard Meritorious Team Commendation (MTC), one Joint Service Commendation Medal, one (and possibly two) additional Humanitarian Service Medal (HSM), and one additional Coast Guard Meritorious Unit Commendation (MUC).

The applicant stated, "I received copies of these awards several months ago with the story that some of these awards were sitting in the stations' Operational Petty Officer's desk and were not returned to me, some were misplaced due to Hurricane Ike, and the Humanitarian Service Medal I participated in operations but I don't know specifics of the requirements for the specific operation because I did not receive any paperwork due to the only information available for the medal is the operation, date, and disaster or operation the medal is authorized" (sic).

The applicant submitted a copy of a Coast Guard Meritorious Team Commendation (MTC) citation from the Commandant of the Coast Guard dated May 11, 2012, awarded to Coast Guard Station Galveston for exceptionally meritorious service from October 2011 to April 2012.

The applicant also submitted a copy of an MUC citation that was awarded to the officers and crew of the USCGC PIKE for meritorious service from October to December 2005.

### SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard in October 2002. He completed recruit training and was assigned to Station [REDACTED]. While assigned to this station, the applicant received orders to attend BM "A" School and then to transfer to the cutter [REDACTED].

A Page 7 (CG-33-7) in the applicant's record and the Coast Guard's assignment database show that he attended [REDACTED] "A" School from September 25 to December 9, 2005, to earn the boatswain's mate rating. Upon graduating, he advanced to [REDACTED]/E-4.

On January 8, 2006, the applicant reported for duty aboard the USCG [REDACTED] according to the database. On March 31, 2006, the Commandant of the Coast Guard awarded the MUC to the officers and crew of USCG [REDACTED] for meritorious service from October to December 2005.

On July 29, 2008, the applicant was transferred to Coast Guard Station [REDACTED] and he served there until he was honorably discharged on April 30, 2012. The Coast Guard's database and a DD 214 worksheet<sup>1</sup> that was prepared at the time of his discharge show that the applicant is entitled to wear the following medals and awards:

Medals and Awards	Database Printout	DD 214 Worksheet
Commandant's Letter of Commendation	6	6 (ribbon with a silver star) <sup>2</sup>
Global War on Terrorism Medal	1	1
Meritorious Team Commendation (MTCs)	7	6 (ribbon with a silver star)
Achievement Medal	1	2 (ribbon with a gold star) <sup>3</sup>
Unit Commendation Ribbon	1	1
Humanitarian Service Medal	1	1
Special Operations Service Ribbon	1	1
Presidential Unit Citation	1	1
Good Conduct Medal	3	3
Commendation Medal	0	1
Meritorious Unit Commendation	0	1
National Defense Service Medal	0	1
Sea Service Ribbon	0	1
Pistol Expert Medal	0	1
Rifle Expert Medal	0	1

<sup>1</sup> Neither the applicant nor the Coast Guard submitted a copy of his DD 214.

<sup>2</sup> On a personal award, a silver star hanging from a ribbon denotes five additional awards in addition to the original, so a ribbon with one hanging silver star indicates that the member received the award six times.

<sup>3</sup> On a personal award, a gold star hanging from a ribbon denotes one additional award in addition to the original, so a ribbon with one hanging gold star indicates that the member received the award twice.

The record shows that the applicant was issued one of his MTCs on May 26, 2012, after his discharge, for his service at Station [REDACTED] from October 2011 through April 2012.

### VIEWS OF THE COAST GUARD

The Coast Guard Personnel Service Center (PSC), after reviewing the applicant's application and service records, found the following:

1) Regarding the applicant's request for a 7<sup>th</sup> MTC, PSC stated that his DD-214 worksheet currently captures a Coast Guard Meritorious Team Commendation (MTC) with one silver star. PSC alleged that the ribbon counts for one award, and the silver star counts as six additional awards, for a total of seven separate awards. The applicant submitted an MTC citation dated May 11, 2012, awarded to Coast Guard Station [REDACTED] for meritorious service from October 2011 to April 2012 in support of his request for an additional MTC. However, the applicant did not include the roster that is also included with the citation, capturing the members who were awarded the award. On this basis, the Coast Guard found that there is insufficient evidence to conclude that the applicant received an additional MTC award beyond the seven his service record currently captures.

2) Regarding the applicant's request for a Joint Service Commendation Medal, PSC found that the applicant's record does not reflect that he was awarded a Joint Service Commendation Medal, nor did the applicant provide any documentation to support his claim.

3) Regarding the applicant's request for a Humanitarian Service Medal, PSC stated that the applicant's DD-214 worksheet currently shows that he was previously awarded one Humanitarian Service Medal on May 22, 2010. However, his record does not support the awarding of a second Humanitarian Service Medal award. PSC noted that the Coast Guard Medals and Awards Manual states that "[t]he Humanitarian Service Medal is awarded to individuals, not units." Therefore, PSC argued, the fact that the applicant may have been part of a unit that participated in a specific disaster by itself does not support the applicant's claim to the award. Furthermore, the applicant did not submit any documentation to support his claim.

4) Regarding the applicant's request about a second MUC, PSC stated that his service record supports this request. PSC stated that his record shows that he received his first MUC on June 8, 2005, which is already shown on his DD-214 worksheet. PSC alleged that the citation the applicant submitted dated March 31, 2006, shows that the crew of his cutter, the [REDACTED] was awarded an MUC for the period October to December 2005. PSC claimed that the applicant's record indicates that he was attached to USCG [REDACTED] during this period of time.

5) The Coast Guard recommended granting alternate relief. Specifically, the Coast Guard recommended:

- a) Issuing a DD-215 to the applicant denoting the addition of the second Coast Guard Meritorious Unit Commendation (MUC), with a gold star instead of a second operational distinguishing device authorized.

- b) Because the applicant did not submit any documentation substantiating that he was awarded the Joint Service Commendation Medal or a second Humanitarian Service Medal, the Coast Guard found that the applicant did not provide sufficient evidence to conclude that the Coast Guard erred by not including these awards on his DD-214.

### APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 28, 2015, the Chair sent the applicant a letter regarding his views of the Coast Guard. The Coast Guard invited him to submit a response within 30 days. The Board did not receive a response.

### APPLICABLE LAW AND POLICY

#### *Meaning of Silver and Gold Stars on Personal Awards*

According to the legend of Table 1 – Awards and Decorations in the Coast Guard Medals and Awards Manual, COMDTINST M1650.25D, when a member receives the [redacted] medal or award multiple times, “[a] 5/16-inch gold star denotes each subsequent award. A 5/16-inch silver star is worn in lieu of five gold stars (represents the sixth award).”

#### *Eligibility for Awards Issued to Units*

Chapter 3.A.1. of the Medals and Awards Manual provides the following common eligibility requirements for all unit-level awards:

All personnel assigned or attached to units authorized unit awards are entitled to wear the associated ribbon or device subject to the conditions below. The general eligibility requirements for unit awards are:

- a. For Coast Guard unit awards approved on or after 31 January 1983, all Coast Guard active duty, Reserve, and Auxiliary personnel, U.S. military, civilians, and foreign military personnel, are eligible for the award, if the person was assigned or attached to the cited unit and was present during at least 50 percent of the award period with the following exceptions:

(1) Commanding officers or officers-in-charge of cited units may recommend eligibility for personnel who did not meet the time criteria, but who directly and positively contributed to the unit's outstanding performance. The awarding authority will make the final decision in these cases.

(2) If a person's behavior during the award period was considered detrimental or obstructive to the unit's high performance, even though the member may have met the 50 percent criteria, then the unit award may be denied or revoked for that person. The commanding officer or officer-in-charge must provide documentation, such as from service record entries, NJP, or courts-martial to the awarding authority who will make the final decision in these cases.

- b. All unit awards must be accompanied by a list of eligible personnel. The list will identify all personnel by rank or rate, name, EMPLID, and category (i.e.,

military, civilian, Auxiliary). When computing the 50 percent time criteria, all leave, TAD, and “bad time” is deducted. Normal liberty is not deducted except if applicable for extremely short [REDACTED] periods. With the exception of the Coast Guard Meritorious Team Commendation, the list must be broken down into the following categories:

- (1) Personnel meeting the 50 percent criteria or specifically recommended;
- (2) Personnel not meeting the 50 percent criteria or specifically not recommended in accordance with paragraph 3.A.1 [REDACTED]

### *Specific Award Criteria*

Chapter 3.B.5. of the Medals and Awards Manual states that the Coast Guard Meritorious Unit Commendation (MUC) “may be awarded to any unit of the Coast Guard that has distinguished itself by either valorous or meritorious achievement or service in support of Coast Guard operations not involving combat. ... Normal performance of duty or participation in a large number of operational missions does not in itself justify the award.” The command must submit a list of “all units, teams, and individuals recommended for participation, including staffs when appropriate, with dates of attachments to the recommended unit.”

Chapter 3.B.7. of the Medals and Awards Manual states that the Meritorious Team Commendation (MTC) “may be awarded to groups or teams not identifiable by OPFAC as a Coast Guard unit. To justify this award, the individual members of the group must have performed service that made a significant contribution to the group’s overall outstanding accomplishment of a study, process, mission, etc. ... The award of the MTC does not preclude individuals from being recognized with a personal award for the same action/period recognized.” The command must submit a list of all eligible personnel, who “must have been serving on a team or group for the entire meritorious period and made a significant contribution to the overall accomplishments of the team or group.”

Chapter 5.A.17. of the Medals and Awards Manual states that the Humanitarian Service Medal “may be awarded to military members of the Armed Forces of the U.S. and their Reserve components when performing duties in connection with their reserve status who, subsequent to 1 April 1975, distinguished themselves as individuals or as members of U.S. military units or ships by meritorious, direct, non-routine participation in a significant military act or operation of a humanitarian nature. Direct participation is defined as being physically present at the designated location, having directly contributed to and influenced action. The designated location is the immediate site(s) of the humanitarian operations as defined by the Presidential request for assistance in the U.S. or the Department of State for overseas areas.” In addition, “no person will be entitled to more than one award of the HSM for participation in the same military act or operation of a humanitarian nature.”

With regard to eligibility for the Joint Service Commendation Medal, which is awarded in the name of the Secretary of Defense, the Department of Defense Manual 1348.33-M, Manual of Military Decorations and Awards, Enclosure 3, p. 45 states the following:

(1) The JSCM may be awarded in the name of the Secretary of Defense to members of the U.S. Armed Forces who, while assigned to a joint activity after January 1, 1963, distinguished themselves by meritorious achievement or service. Award for meritorious service is generally for a period of time greater than 12 months and encompassing an individual's entire joint assignment, including any extensions. Service members assigned and/or attached to a JTF as individuals (not as members of a Service unit) may also be eligible for the JSCM. Members of Service-unique units assigned and/or attached to a JTF retain eligibility for award of personal decorations from their parent Services. They may not be awarded Defense/Joint decorations.

(2) The JSCM will not be awarded for any period of service for which a Military Department medal is awarded.

### 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 10 U.S.C. § 1552. The preponderance of the evidence shows that the application was timely filed within three years of the applicant's discharge and receipt of his DD-214.

2. The applicant alleged that his DD 214 is erroneous because it fails to show that he received a seventh Coast Guard Meritorious Team Commendation (MTC), one Joint Service Commendation Medal, one (and possibly two) additional Humanitarian Service Medal (HSM), and one additional Coast Guard Meritorious Unit Commendation (MUC). When considering allegations of error, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.<sup>4</sup> Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties "correctly, lawfully, and in good faith."<sup>5</sup>

3. The applicant alleged that he received seven MTCs, and the Coast Guard's database lists seven MTCs with different dates of issuance. PSC admitted that the applicant received seven MTCs but alleged that his DD 214 already reflects seven MTCs because it shows that he is entitled to wear the MTC with one silver star. PSC has misunderstood the Medals and Awards Manual, which clearly explains the meaning of gold and silver stars on a ribbon as follows: "A 5/16-inch gold star denotes each subsequent award. A 5/16-inch silver star is worn in lieu of five gold stars (represents the sixth award)." Therefore, the MTC ribbon represents the

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<sup>4</sup> 33 C.F.R. § 52.24(b); see Docket No. 2000-194, at 35-40 (DOT BCMR, Apr. 25, 2002, approved by the Deputy General Counsel, May 29, 2002) (rejecting the "clear and convincing" evidence standard recommended by the Coast Guard and adopting the "preponderance of the evidence" standard for all cases prior to the promulgation of the latter standard in 2003 in 33 C.F.R. § 52.24(b)).

<sup>5</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

first award of the MTC and the silver star denotes five subsequent awards of the MTC. Therefore, the ribbon with a silver star represents six total awards of the MTC, not seven as PSC claimed. Accordingly, the Board finds [REDACTED] applicant has proven by a preponderance of the evidence that his DD 214 is incorrect in reflecting just six awards of the MTC. His DD 214 should be corrected to show that he is entitled to wear the MTC with one silver *and* one gold star, representing the seventh award of the MTC.

4. The applicant alleged that he is entitled to wear two MUCs although his DD 214 worksheet shows only one, which was awarded to Sector [REDACTED], of which Station [REDACTED] is a part, on June 8, 2005. In support of this request, the applicant submitted a citation showing that on March 31, 2006, the crew of the [REDACTED] received an MUC for the period October to December 2005. PSC concurred, claiming that the applicant was attached to the [REDACTED] during the period in question. To the contrary, however, the applicant's records clearly show that he was assigned to and attended BM "A" School from September [REDACTED] December 9, 2005, and that he reported for duty aboard the [REDACTED] on January 8, 2006. Therefore, the applicant was not a member of the crew during the period for which the [REDACTED] received this MUC. Instead, he was attending [REDACTED] "A" School during the period. Even if he had been assigned to the [REDACTED] before he was sent to [REDACTED] "A" School, he would not be entitled to this award because he was in school and not aboard the [REDACTED] for 50% of the period for which the MUC was awarded (October to December 2005), as required for a crewmember to be entitled to a unit award under Chapter 3.A.1. of the Medals and Awards Manual. Therefore, the Board finds that the applicant has not proven by a preponderance of the evidence that he is entitled to a second MUC.

5. The applicant alleged that his DD 214 should reflect the award of the Joint Service Commendation Medal and a second Humanitarian Service Award. The Board agrees with PSC that there is no evidence in the record that the applicant ever received these personal awards.

6. Accordingly, partial relief should be granted by ordering the Coast Guard to issue a DD 215 to correct his DD 214 to show that he is entitled to wear the MTC with one silver star *and* one gold star, reflecting seven total awards.

(ORDER AND SIGNATURES ON NEXT PAGE)

[REDACTED]

[REDACTED]

ORDER

The application of former [REDACTED], for correction of his military record is granted in part as follows. The Coast Guard shall issue a DD 215 to correct his DD 214 to reflect seven awards of the Coast Guard Meritorious Team Commendation: The ribbon with one silver star and one gold star. All other requests are denied.

July 10, 2015

