

**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. 2015-169**

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████████████████████

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**FINAL DECISION**

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the applicant's completed application on July 24, 2015, and assigned it to staff member ██████████ to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated June 10, 2016, 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, a former ██████████ who served on active duty in the Coast Guard from November 6, 1964, to November 5, 1971, and in the Reserve from November 29, 1971, to April 30, 1994, asked the Board to correct his discharge form DD 214<sup>1</sup> to show that he is entitled to wear a medal for his isolated duty, for his time served during Desert Storm, and "other accommodations, awards, reserve good conduct."

In support of his application, the applicant submitted copies of his two DD 214s; a copy of his assignment record; copies of two Rating and Job Classification Records; and several pages of online information about various service medals and awards. His Coast Guard assignment history shows that he was assigned to the 180-foot USCGC ██████████ from May 30, 1963, to August 2, 1964, and with regards to overseas assignments, was stationed at LORAN Station<sup>2</sup> ██████████ from

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<sup>1</sup> The DD 214 provides a member and the service with a concise record of a period of service with the Armed Forces at the time of the member's separation, discharge, or change in military status (reserve/active duty).

<sup>2</sup> LORAN Station refers to long range navigation stations where LORAN signals originated. Since WWII the U.S. Coast Guard operated and maintained a ground-based long-range navigation system known as "LORAN," that broadcasted signals from fixed points allowing receivers to triangulate precise locations. By the 1950s, the system proliferated and became a primary tool for marine and air navigation with over 170 stations worldwide. System improvements made in the late 1950s, designated "LORAN-C," gradually replaced the WWII-era technology and were fully in use by 1980, but the LORAN system was shut down on February 8, 2010. <http://www.loran-history.info/downloads/LORAN%20Social%20History%20-%20April%202015.pdf>

September 23, 1964, to October 16, 1965, and LORAN Station [REDACTED] from May 17, 1968, to May 9, 1969.

The applicant's Rating and Job Classification records show that he attended two service schools:

- a. The Motion Picture Operator School at the U.S. Naval Training Center from April 29, 1968, to May 3, 1968; and
- b. The [REDACTED] School from August 25, 1969, to December 10, 1969.

The two Rating and Job Classification records also show that he completed HM1-3 and HMC-3 Coast Guard Institute Courses in 1964 and 1965.

Regarding the delay in submitting his application, the applicant stated that he discovered the alleged errors in his record on January 1, 2015, and argued that the Board should find it in the interest of justice to consider his application because he did not notice the errors in his records until reviewing his DD 214s while applying for veterans' benefits.

#### SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on November 9, 1960, trained to be a [REDACTED] and was honorably discharged as an [REDACTED] November 5, 1971.

The applicant's record contains two DD 214s, and the first one states that he served on active duty from November 9, 1960, until November 5, 1964, and shows that he did not complete any service schools, but did complete three separate [REDACTED] service training courses. It does not indicate that he received any medals, awards, or commendations.

The second DD 214 shows that the applicant continued to serve on active duty from November 6, 1964, until November 5, 1971, completed the Motion Picture Operator School on May 3, 1968; the [REDACTED] School on December 10, 1969; the USCG Institute [REDACTED] correspondence course on October 19, 1965; and received an honorable discharge at the end of his enlistment. Block 24 of this DD 214 shows that he received a Good Conduct Medal for the period ending October 12, 1968, and the National Defense Service Medal.

The applicant transferred to the Reserve component of the Coast Guard on November 29, 1971, and on June 21, 1976, he was [REDACTED] with a date of rank of July 24, 1976. He was immediately promoted to [REDACTED] advanced to [REDACTED] on July 24, 1980, and advanced to [REDACTED] on September on July 24, 1984. He continued to serve in the Reserve until April 30, 1994, and on May 1, 1994, he transferred to the Retired Reserve. There is nothing in his record to show that he served under Title 10 orders during Desert Storm.

The applicant's record for his Reserve service also shows that he received the Reserve Good Conduct Medal on November 13, 1986, and February 1, 1988; the Humanitarian Service

Medal; the Coast Guard Bicentennial Unit Commendation; an Armed Forces Reserve Medal for service from November 30, 1973, to November 29, 1983; and a Coast Guard Meritorious Commendation Ribbon with "O" Device for participating in the [REDACTED] while serving aboard [REDACTED] during the period September 11, 1983, to September 27, 1983. A Page 7 in his record dated July 24, 1993, states that he is eligible to place a bronze star on his National Defense Service Medal, denoting a second award of the medal.

### APPLICABLE LAW AND REGULATIONS

COMDTINST M1900.4D contains the Commandant's instructions for completing the DD 214, and Chapter 1.D.2. provides that it must be accurate as of the date of separation. Chapter 1.E. of the instruction states that the medals and awards block of the DD 214 should show "all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service."

Chapter 1.E. of the manual for completing the DD 214 states that the block for military education should list the formal service schools and in-service training courses captured in PMIS/JUMPS and successfully completed during the period of service covered by the form.

Article 5.A.3. of the Medals and Awards Manual, COMDTINST M1650.25D, provides that the Coast Guard Reserve Good Conduct Medal is issued to Reserve enlisted members who have been recommended by their commanding officers for proficiency in rating, sobriety, obedience, industry, courage, and neatness throughout each four-year qualifying period of service.

Article 5.A.22. of the Medals and Awards Manual provides that the Restricted Duty Ribbon is awarded to Coast Guard personnel who complete a tour of duty at a shore unit listed in 5-27 of COMDTINST M1650.25D enclosure (18). LORAN Station Guam is one of the shore units listed in the enclosure, but only for service prior to March 30, 1967. LORAN Station Palau is not listed in the enclosure. The Restricted Duty Ribbon was authorized by the Commandant on March 3, 1984, and by inference is retroactive for members who served at LORAN Station Guam prior to March 30, 1967.

### VIEWS OF THE COAST GUARD

On November 24, 2015, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC). The JAG asked the Board to note that the Coast Guard is bound by the Department of Defense Instruction (DoDI) 1336.1 for completing DD 214s and that Article 3.a. of the Instruction emphasizes that DD 214s are for documenting military service, and not for time served in the Reserve. PSC argued that the application is untimely and should not be considered by the Board beyond a cursory review.

PSC stated that the DD 214 the applicant received when he was separated from active duty in 1971 accurately contains all of the awards that he received for that period of service. PSC noted that the applicant received four additional awards while in the Reserve, but pursuant

to COMDTINST M1900.4D, these should not be included on his DD 214 because they were not awarded while he was on active duty. With regards to the applicant's request for a medal for his service during Desert Storm, PSC argued that although the applicant continued to serve in the Reserve and completed various periods of active duty for training, none were greater than 90 days and were not completed in support of a named contingency operation, such as Desert Storm.

Neither the JAG nor PSC addressed the applicant's request to receive a medal for his isolated duty service or his general request for any other medals that he may be eligible to receive.

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

On December 2, 2015, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The applicant responded on January 6, 2016, thanked the JAG for explaining DoDI 1336.1, and stated that he agreed with the JAG's endorsement of PSC's recommendation. However, he disagreed with PSC's argument that he is not eligible for any additional awards. He also identified what he believes are numerous errors in PSC's response and other errors on his DD 214s that he did not identify on his original application to the Board. The applicant alleged that his DD 214s contain the following errors:

- a. Block 10.c (Date Inducted) on his DD 214 for his service from November 6, 1964, to November 5, 1971, should show his enlistment date of November 9, 1960, instead of "Not Applicable" as currently shown;
- b. Block 22.c (Statement of Service) of his DD 214 for the period November 6, 1964, to November 5, 1971, should include his foreign/overseas duty.
- c. Block 25 (Education and Training Completed) on his DD 214 for his service from November 6, 1964, to November 5, 1971, should list his qualification as a SAR Aircrewman in HU-16E; completion of [REDACTED]-3 and [REDACTED]-3 courses that are on his previous DD 214; and his other off duty courses should also be listed in Block 25.

The applicant stated that he wants his DD 214 corrected because he occasionally wears his Coast Guard dress uniform on special occasions and wants to ensure that he is displaying only the medals and ribbons that he is eligible to wear. He noted that many former members of the military in his community have been caught wearing medals and awards on their uniforms that they did not actually earn, and he does not "wish to be categorized as one of these individuals."

Finally, the applicant noted that although the JAG stated that he was awarded the Coast Guard Bicentennial Unit Commendation Ribbon, he does not recall receiving it nor does he recall receiving a Commendation Medal for his part in the [REDACTED] while serving as a reservist aboard [REDACTED].

## 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 submission and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>3</sup> The applicant was released from active duty in 1971 and retired from the Coast Guard Reserve in 1994 but did not submit his application to the Board until 2015. His application is untimely.
3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>4</sup> 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”<sup>5</sup> 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.”<sup>6</sup>
4. The applicant stated that he discovered the alleged errors in his record on January 1, 2015, upon reviewing his DD 214s. Although the Board finds that his explanation for his delay is not compelling, a cursory review of his record has revealed an error that should be corrected. Accordingly, the Board will waive the statute of limitations in this case.
5. The applicant alleged that his two DD 214s do not list several medals and awards that he received or should have received and that they contain other errors as well. The Board begins its analysis in every case 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. 33 C.F.R. § 52.24(b). 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.” *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).
6. The applicant argued that his DD 214s should be corrected to show that he received a medal for his “isolated duty.” The Medals and Awards Manual, COMDTINST M1650.25D, does not list a medal for members who perform isolated duty, but it does list a medal for members who perform “restricted duty.” Article 5.A.22. of the Medals and Awards Manual provides that the Restricted Duty Ribbon is awarded to members who complete a permanent change of station (PCS) tour of duty at a shore unit listed in 5-27 of COMDTINST

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<sup>3</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

<sup>4</sup> 10 U.S.C. § 1552(b).

<sup>5</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>6</sup> *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

M1650.25D enclosure (18), and LORAN Station [REDACTED] is one of the shore units listed in the enclosure, but only for service prior to June 1, 1967. Accordingly, the Board finds that the applicant is eligible for the Restricted Duty Ribbon because the record shows that he performed a tour of duty at LORAN Station [REDACTED] from September 23, 1964, until October 16, 1965.

7. The applicant also asked the Board to ensure that his DD 214s list any other medals and awards that he may be eligible to receive, including a medal for the time he served during Desert Storm and the Reserve Good Conduct Medal. The Board finds that the applicant is not eligible to receive a medal for his service during Desert Storm because there is nothing in his records to show that he served on active duty under Title 10 orders during Desert Storm. Likewise the Board notes that the applicant's DD 214s correctly do not mention his Reserve Good Conduct Medals because he received them after his DD 214s were issued. DD 214s document periods of active duty and are supposed to be accurate as of the date of discharge from active duty. They cannot be considered erroneous just because they do not reflect subsequent events, such as medals and awards received for subsequent Reserve service.

8. In the applicant's response to the Coast Guard's recommendations to the Board, he also alleged that there are several errors on his DD 214 that were not addressed by the JAG but should be corrected nonetheless. He alleged that Block 10.c. (Date Inducted) on his DD 214 for his service from November 9, 1964, to November 5, 1971, should indicate his enlistment date of November 9, 1960, instead of the "Not Applicable" as currently shown. The Board disagrees. The Coast Guard manual for preparing the DD 214 does not state what should be placed in block 10.c for members discharged in 1971, but the Board believes that the Date Inducted block was included on older versions of the DD 214 to capture the date on which a person was inducted—i.e., drafted—into the military. The applicant's record shows that he voluntarily enlisted in the Coast Guard, and was not drafted or inducted, and his date of enlistment is properly reflected in Block 16.c. on his DD 214. Therefore, the Board finds that the inclusion of "Not Applicable" in Block 10.c. of his DD 214 for his service from November 9, 1964, to November 5, 1971, is correct because he was enlisted, not inducted.

9. The applicant also alleged that Block 25 (Education and Training Completed) of his second DD 214 should include all of the courses that are reflected on his first DD 214 as well as his qualification as a SAR Aircrewman. The Board disagrees. Chapter 1.E. of the manual for completing the DD 214 states that the military education block of the DD 214 should list the formal service schools and in-service training courses successfully completed during the period of service covered by the form. The applicant's first DD 214 for his service from November 9, 1960, to November 5, 1964, shows that he completed three separate [REDACTED] courses via the Coast Guard Institute, and pursuant to Chapter 1.E. of the DD 214 manual they should not be listed on subsequent DD 214s because they were completed during his first term of service. The applicant's second DD 214 shows that he completed the [REDACTED], the Motion Picture Operator School, and the [REDACTED]-3 Coast Guard Institute correspondence course during the period of active duty documented on the DD 214. There is nothing in his military records to show that he completed any other service schools or correspondence courses during this period, and his military records are presumptively correct.

10. The applicant argued that his April 19, 1967, qualification as a SAR Aircrewman should be reflected on the DD 214 for his service from November 6, 1964, to November 5, 1971. The Board disagrees. Chapter 1.E. of the manual for preparing the DD 214 states that the only things listed in the medals block on the DD 214 are decorations, medals, badges, citations and campaign ribbons awarded or authorized for all periods of service. There is nothing in the manual which states that aircrew qualifications should be included anywhere on the DD 214. In addition, aircrewman qualification would not be reflected in the military education block of the DD 214 because the DD 214 manual states that the military education block should list only the formal service schools and in-service training courses.

11. The applicant stated that Block 22.c. (Statement of Service) of his DD 214 for the period November 6, 1964, to November 5, 1971, should include his foreign/overseas duty. The Board notes that when his DD 214 was prepared in 1971 there was only one block (22.c.) to capture the member's foreign and sea service, and that block of his DD 214 indicates that he performed three years, one month, and thirteen days of foreign and/or sea service. Accordingly, the Board finds that the DD 214 correctly reflects the applicant's foreign/overseas duty and no correction is necessary.

12. In the applicant's response to the Coast Guard's advisory opinion, he asked the Board to clarify which medal he was awarded for assisting the Coast Guard with the [REDACTED]. His record shows that he was awarded the Coast Guard Meritorious Commendation Ribbon with "O" Device for participating in the [REDACTED] while serving [REDACTED] during the period [REDACTED].

13. The applicant has proven by a preponderance of the evidence that his DD 214 does not accurately reflect all of the medals and awards that he received for his active duty service prior to November 5, 1971. Accordingly, his DD 214 dated November 5, 1971, should be corrected to show that he was awarded the Restricted Duty Ribbon for his service at LORAN Station [REDACTED] in addition to the other medals already listed on the DD 214. All other requests should be denied.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

**ORDER**

The application of former [REDACTED] USCGR, for correction of his military record is granted in part. His DD 214 for the period November 6, 1964, to November 5, 1971, shall be corrected to show that he received the Restricted Duty Ribbon. All other requests are denied.

June 10, 2016

