

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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2016-024**



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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 completed application on December 1, 2015, and assigned it to staff attorney [REDACTED] to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated March 10, 2017, 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 Coast Guard veteran who served in Vietnam, asked the Board to correct his military record to include the medals and awards he is owed for his service in Vietnam onboard the CGC [REDACTED] and CGC [REDACTED] and to change his discharge to a medical retirement. The applicant specifically alleged that, among the medals and awards he is owed, he is eligible for the Purple Heart due to multiple injuries he sustained while in combat in Vietnam. He also requested a letter stating that no military records exist with the Coast Guard or otherwise.

The applicant provided several documents with his initial submission discussing the alleged errors regarding his discharge. The applicant stated that he served on two different cutters that were both a part of the Special Vietnam Squadron Three. He claimed that he "volunteered for duty and was assigned for approximately two week periods to Special Ops Units." The applicant stated that he wished to "straighten out" his records and receive the medals he is owed. He stated, "I am tired of being told I was never wounded, or injured in the service of my country. I am tired of being called a liar by the Veterans Administration who tries to tell me that I was never in Vietnam."

The applicant claimed that while in Vietnam, he was a [REDACTED]. He stated that while on duty on a river boat he received head, neck, face, and jaw injuries. The applicant claimed that he was treated at the Clark Air Force Base Hospital in the Philippines and was discharged back to the [REDACTED] on light duty, as he had a



bite block to hold his jaw in place. He alleged that he was told he would receive “medals for this including a Purple Heart.” The applicant claimed that the reason he did not receive the Purple Heart is because the [REDACTED] was scheduled to go back stateside, and he wanted to stay in Vietnam so he was transferred to the [REDACTED]. He stated that he volunteered for river boat assignments with the Coast Guard and Navy river boats and volunteered for shore duties when possible. He claimed that he once did a three-week duty “acting as a [REDACTED]. Here [he] would get maps from the Map Depot to use to call in for enemy movements, firing runs and other information.” The applicant stated that he was also injured during this time and received “head neck plus other injuries.”

The applicant stated that he spent an extended period on shore while in [REDACTED], Vietnam. While there, he claimed that the unit came under a heavy mortar attack. He alleged that he “received more serious head, and neck injuries, as while<sup>1</sup> as shrapnel injuries to various areas of [his] body, especial to [his] legs.” The applicant asserted that he was treated for these injuries in a Naval Hospital in Japan, and he was discharged with “appliances for [his] jaw and stiches in [his] head, neck, and lower right leg.” He stated that from there, he returned to the [REDACTED] and departed for [REDACTED]. The applicant asserted that he was then treated at the Bethesda Naval Hospital and returned to the [REDACTED] which was moored in the harbor. He stated that he returned to light duty due to his “medical condition [and he] was not allowed to do anything.”

The applicant stated that he requested an early discharge in order to attend college. He alleged that he still had stiches in the back of his head, the back of his neck, and in his lower legs, as well as a dental appliance for his jaw, when he was discharged. The applicant claimed that he inquired about the medals owed to him, and that he was told because of his early discharge it “would take a while” and he would hear from the Coast Guard “shortly.” He stated that he was discharged into the care of private doctors.

In a letter submitted after his initial application, the applicant alleged that the Coast Guard “talk[ed] him into the early educational discharge.” He stated that the Coast Guard went to great lengths to “get a hold of a school, get [the applicant] accepted and arrange the program.” The applicant stated that because he was young and wanted to get into the care of a private doctor he accepted the early discharge, but he stated that he should have waited for the Medical Retirement discharge.

The applicant stated that shortly after his discharge he was hospitalized for having “bad nightmares, flashbacks, and seeing war things that just were not there.” He stated that he began to drink to deal with the flashbacks and nightmares, and would experience periods where he could not remember what he had done for days or weeks at a time. The applicant discussed several hospital admittances, and noted that his VA records indicate that the applicant received head and neck injuries from his service. The applicant stated, however, that the VA admitted the applicant “under mental instead.”

By 1970, the applicant claimed, he started having problems walking and controlling his body functions due to the neck and spinal injuries he had incurred. He stated that he has had over 300 surgeries, and that he has had many lymphomas removed that were caused by his exposure to

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<sup>1</sup> The applicant is being quoted verbatim throughout this decision.

Agent Orange. He noted that the Veterans Affairs (VA) hospitals say that the applicant suffers from post-polio syndrome, but he stated that “hospital records and the physicals [REDACTED] NO residuals to polio.” The applicant claimed, “I as well as most of the doctors that treat me feel that my head, face, jaw, and spinal condition were caused from my injuries in Vietnam, and not Polio as the VA tries to use as an excuse to deny my conditions.” [REDACTED]

The applicant stated that a VA Regional Office had informed him that his records had been lost in transit. He also stated that the National Personnel Records Center told him his records had been destroyed in a fire. He has also claimed that he contacted the Coast Guard, and the Coast Guard stated that his records no longer existed because of the applicant’s “Top Secret Crypto Clearance.”

[REDACTED]  
Regarding the applicant’s request for a letter stating that no records exist, the applicant [REDACTED] he needs a letter provi [REDACTED] milita [REDACTED] no longer exist to prove that he was in the military. The applicant stated the following:

Every time I tell a VA facility this [presumably that no records exist], or a Service Organization, or almost anyone else...I am called a liar. I have been told I am not a Veteran. I am told that since I was in the Coast Guard, I was never in Vietnam an am a liar. They had a Psychiatrist sent to me not too long ago to see for my PTSD, (my usually Psychologist is very good) call me a liar and refused to see me. When shown the DD-214, I have had several doctors [REDACTED] strators and variou [REDACTED] Liar and refuse to treat me until they can get an official copy of my DD-214 from St. Louis, MO. to prove that I have to fake mine.

[REDACTED]  
The applicant claimed that he discovered the [REDACTED] for in 1970. Regarding the delay of his application, the [REDACTED] stated that he had written to “Command USCG & National Personnel Records on [REDACTED] sions to correct.” After giving a narrative of issues he has had with the VA, [REDACTED] nt stated that he “became so angry with the Government about these matters, [he] said to hell with everything and forgot about trying to get the medals [he] deserves.”

[REDACTED]  
In support of his application, the applicant provided many assorted doc [REDACTED] photocopies of medical r [REDACTED] e continued to submit both new documents and duplicative informa [REDACTED] e course of this case’s lifetime. The most pertinent information is summarized below and in the Summary of the Record. [REDACTED]

The applicant provided a document he prepared discussing his primary care physician from 1969 to 1974. He stated that this doctor continued to tell the VA that the applicant’s “rapidly worsening conditions were for [his] head, neck and chaparral injuries suffered in Vietnam.” The applicant alleged that his doctor “was very upset...when the VA kept telling him [the applicant’s] conditions were from post-polio syndrome.” The applicant provided a list of some of the VA hospitals he had visited for h [REDACTED] as. The [REDACTED] also stated that “most of the VA doctors treating [him] for head and spinal cord injuries believe[d] these injuries [were] the result of [his] injuries incurred the military.”

The applicant provided another document he had prepared after his initial application discussing two witnesses to the applicant’s injuries in Vietnam. He alleged that the witnesses prove that he assisted an Army Special Operations unit from being “totally wipe[d] out.” He stated that one of his Army friends, Mr. R.W., had died the night before he could sign the letter he had



prepared regarding the applicant's injuries. The applicant stated that his other Army friend, Mr. N.C., can also verify that the applicant was wounded in Vietnam. The applicant stated that Mr. N.C. also received wounds which resulted in a triple amputation. In his letter, the applicant alleged, "I cannot prove that I was slightly wounded several times because it seems that no one can find any records of me all of every being in the military, except for my DD-214." The applicant stated that he was told "that the Army may not have sent any records to the Coast Guard, because they thought [he] was a part of the Army as this was the uniform(s) [he] was wearing at the time of most of the injuries." The applicant then stated the following regarding his discharge and medals:

I was told that I should qualify for a medial retirement because of the serious head, neck, back and other injuries I had received. I was told that if I wanted to wait for this I might have to stay at the medical facility for possibly a year or more for the doctor's exams, medical testing, x-rays and other medial work, a review and evaluation by the board before they would decide if I would receive a Medical Retirement. I was young and just wanted out, so I asked my doctor to charge me with something that they would say I did not qualify for. I asked about the Purple Heart that they told me I would get, and was told that a review of my injuries would determine if I qualified, and would be notified within 90 days if I would get this medal.

In this letter, the applicant also reiterated his requests to the Board. He stated the following:

1. \*(Important, because this directly affects that my wife would be entitled to when I die.) My discharge changed to a Medical Retirement as I was promised. (I am not looking for any back pay or anything else as far as the discharge is concerned. \*(Most important) (This directly affects the survivors award that my wife should get, as she had to quit work and take care of me because I am disabled. This includes all my care she has had to do. Bathing, dressing, transporting, bowel and bladder control and many other things. Because she had to quit her job in the medical field, she will only be entitled to about \$600.00 under Social Security. When I got out I was told she should receive a compensation/pension in the area of \*1800.00 a month.)
2. Awarding at least one of the purple hearts I should have received. (I should have qualified for three, possible a fourth is they count the injuries I received in Vietnam). \*(Most important to me, my wife and my children, as they as while as I am tired of being called a liar all the time. That because I was in the Coast Guard I was never in Vietnam. If I was in Vietnam, that I never set foot on the ground. In fact, I estimate I spent between 80% to 90% of my time on land and in combat situations.)
3. Consideration for the awards given to All the Army Personnel after the fact for the battle in [redacted], the Tet offensive, in early 1968, including the Bronze Star, with Oak Leaf Cluster, Combat award and other given to all those who were there. In the last Battle along with [Mr. N.C.], we [redacted] were recommended for silver stars and possible higher awards).

The applicant went on to allege that he spoke with someone at a hospital regarding his medical records, and this woman suggested to the applicant that she doubted the records had been lost. Instead, the applicant claimed, she stated that many records with "Top Secret/intelligence clearance with crypto and eyes only clearance" suspiciously disappeared because the Coast Guard ordered the records to be destroyed. The applicant stated that his current spinal cord doctor stated that the applicant's injuries could not have been "done any other way than...by the injuries in Vietnam."

A one-page letter from Mr. N.C. was submitted in which he stated he was an Army communication/intelligence specialist who served in Vietnam starting in early 1969. Mr. N.C. stated that he was on patrol near the Cambodian border when his unit hit a mine field and "came



under heavy mortar and gunfire attack.” He stated the following regarding his and the applicant’s involvement in the attack: [REDACTED]

I saw [the applicant] received wounds to the back of the head, neck and upper back areas it look like the whole back of his head and neck and back were blown open and he was bleeding heavily. [REDACTED] wounded. I saw [the applicant] get up and continue to fight only to go down under another heavy attack. I would then be wounded so bad that I became a triple amputee as a result of this attack. [The applicant] and I were trying to crawl to the helicopter for evacuation. Since I was only able to use one arm, [the applicant] grabbed my collar and together we were able to pull each other to helicopters waiting to evacuate us. We were taken by helicopter to a medical facility as which we were told 12<sup>th</sup> evacuated Field Hospital. I send a total of two week there, [the applicant] was there with me approximately 5 days before they said he was being sent to the...Naval Hospital in Japan, Then would be sent to Bethesda Naval Hospital where after treatment he would be medical retired. [REDACTED]

The applicant also submitted an unsigned letter that he attributed to Mr. R.W. The applicant stated that Mr. R.W. died the day before he was to sign the statement. The applicant reiterated several times that he had asked the Board to call Mr. R.W. previously in order to verify the information in the statement. The six-page letter included the following:

I was stationed in [REDACTED] area with the Army Corp of Engineers...When I meet [the applicant], he was in an Army uniform that signified he was Special Forces. I did not learn until later that he was actually in the Coast Guard and had volunteered [REDACTED] ty because his cor [REDACTED] ecialties, including Crypto. All I can verify is that I did meet and spoke to him here many times, and that when the attacks begin we were all under heavy fire, especially gun fire and mortar attacks. It was in one of these mortar attacks that [the applicant] became wounded, receiving injuries to the head, neck and other areas. [REDACTED] when I went to see [the applicant], the medic’s had him ready for evacuation [REDACTED] that I look like the whole back half of his head had been [REDACTED] rt...I did not know that [the applicant] was treated and was offered a chance to return [REDACTED] ed States, which he refused...Since he could not work because of his injuries, he was [REDACTED] wed to attend several colleges through the VA vocational program. [After discussing his own application to get medals he was owed, he stated] I ask [the applicant] how come he did not get the same awards. He told me he did not understand that either and [REDACTED] ars trying to straighten out the problem. He thought that [REDACTED] the Army did not realize that he was realize he was not Army, and had volunteered to be assigned to the unit. That he was Coast Guard and that the Army had not informed the Coast Guard [REDACTED] awarded these medals [REDACTED]...All I...know is that I can verify that he was in Vietnam and that he did [REDACTED] unit for about three to four weeks before he became injured...That I...can [REDACTED] [the applicant] did receive wounds to the head, neck and upper back, and that he was evacuated by helicopter for medical care, because I was talking to him as he was being evacuated and could v [REDACTED] ne of the wounds...He told me that the wounds he had received were considered moderate...After we meet again in the 1980’s. He would later tell me that he his final and most serious wounds would come while serving as the intelligence specialist duty with the 82<sup>nd</sup> Air Borne unit while on patrol on Vietnam Boarder going in and out of Cambodia.

The applicant submitted one page of his Original Disability Compensation from the VA, which states “Your service medical records show you were treated for residuals of head injury. At the time of your last examination, there was no indication of any disabilities that might have resulted from these condition.” The form states that the applicant was receiving an award for 100% service-related “nervous condition.” As the applicant provided only one page of this document, it is not clear the date that he received it.

The applicant submitted a dental record from September 24, 1974, three years after his discharge from the Reserve. It states that the applicant had a severe overbite, and that he was being



made a bite plate. The record states, "Patient has been unable to wear his appliances. Consequently he has developed severe periodontal problems in the lower jaw. He complains of severe bleeding and pain. I feel he has some psychological problems and his dental problems won't be corrected until the other problems are also." Typed onto the form is "You may refer [the applicant] to a periodontist for examination but we cannot authorize referral to a psychiatrist." [REDACTED]

The applicant later submitted this dental record again. When he resubmitted it, the applicant stated that the doctor had been his dentist since the applicant's childhood. The applicant alleged that this document proves that the dentist stated that the applicant's injuries were incurred while in the Coast Guard and that the applicant did not have a head, face, or jaw condition when he entered the military. The applicant stated that the document supports his claim that his jaw problems were the result of severe trauma. [REDACTED]

[REDACTED] applicant submitted a [REDACTED] from the [REDACTED] a list of his disabilities. The website states that the applicant has a 100% disability rating. The applicant marked many of his disabilities on the page and stated "all the marked ones below were present and being treated for at ... [the] Naval Hospital at time of Discharge." The marked ones are loss of use of left side – denied; PTSD – 70% service-connected; residual head injury – 0%; spinal injuries – denied; unspecified head condition a – denied; porphyria cutanea tarda – 30% not service-connected; chest wall pain – 10%; unspecified spine and neck condition [REDACTED] [REDACTED]

The applicant submitted a print-out from Wikipedia on the USCGC [REDACTED]. Notably, the website notes that during the Vietnam War, the [REDACTED] was involved in Operation Market Time, which was a [REDACTED] to interdict communist supply lines by sea. The operational duties were quoted [REDACTED] contemporary Coast Guard press release:

[REDACTED]  
Market Time units are assigned primarily to keep the Communists from sneaking men, arms, and other supplies into the Republic of Vietnam. They include... 82-foot and high endurance Coast Guard cutters. [The [REDACTED] is one of the five of [this] group, which makes up Coast Guard Squadron Three. In addition to keeping track of shipping in their patrol areas and inspecting and searching suspicious watercraft and their occupants, Market Time [REDACTED] often called upon to lend gunfire support to friendly forces ashore. [REDACTED]

The website further notes that between January 15 and 25, 1969, the [REDACTED] was in emergency dry dock for repairs in Subic Bay, Philippines.

After submitting the above documents, the applicant submitted a binder with additional documents and evidence. In one of the self-prepared documents, the applicant stressed that over the past 46 years he has attempted to have his record corrected, but the Coast Guard and National Personnel Records Center have been unable to locate the applicant's records of his hospitalizations for his wounds in Vietnam. [REDACTED] applicant alleged that he has a "Top Secret, Eye's Only clearance," which the FBI should be able to verify. He stated that he does not believe that his records were lost in a fire, because prior to the fire he was told that his records were sealed and unavailable, or that they were destroyed because of his clearance and because of "the places [he] had been that our government has only admitted recently to some of the information." Later in the document, the applicant stated that he did not receive his DD-214 until "quite sometime after" he was discharged. He claimed that when he did receive his DD-214, he tried to have it corrected, but the Coast Guard told the applicant that they could not locate his records.



In this document, the applicant stated that while he was making a mail run in [REDACTED], his base came under heavy mortar attack and he received “numerous shrapnel wound to the leg areas.” He stated that these wounds were treated at an evacuation hospital nearby. Additionally, the applicant stated that during a hospitalization in November 2015, doctors performed h [REDACTED] and determined that the applicant suffered heart damage that the doctors felt “was incurred at the same time or as a result of the head and neck injuries [he] received in Vietnam.” The applicant added the following:

The heart doctor came to me and asked if I had received injuries to my heart as some of the test suggest old injuries...as a result of the use of heart medication to keep the heart beating as a result of other injuries or as result of surgeries for sever trauma. I explained to them my injuries in Vietnam that I was trying to prove them to your board. The doctors said that they were not allowed to enter opinions in the records but that the way my heart was functioning and the heart blocks indicated that a lot of heart medications had been used on [REDACTED] t one time...They said that [REDACTED] explanat [REDACTED] age probably occurred as a result of one or more surgeries for sever trauma...The doctors thought that the injuries to my head and spine are the result of severe trauma and collate with what I have told you and would explain part of the problems going on with my heart.

The applicant stated that his doctor in the spinal cord center of the VA hospital has been his doctor since 1993, and that this doctor can confirm that the applicant’s “spinal injuries are from severe trauma.” The applicant claimed that current testing has shown that he has “an old brain injury that could have only occurred as a result of a severe trauma.” [REDACTED]

The applicant provided page 4 of 4 of a [REDACTED] medical report. The applicant underlined the portion under “Diagnosis, Assessment & Plan,” which states “Old spinal cord injury with quadrin paresis.” [REDACTED]

In another letter, the applicant stated that he had requested that the Board contact his mother to verify [REDACTED] of his hospitalizations and surgeries, but she has since died. The applicant stated that it “appears that you are just waiting for all those that could prove and verify [the] evidence to die. That way you can say there is no one to prove or no one to verify what [the ap [REDACTED] has said.” [REDACTED]

The applicant provided a copy of a document with “United States Government” letterhead. The letter is from a doctor and states that the applicant “became disabled on December 25, 1973. He was transferred to the...VA [Hospital] on Feb. 4, 1974. [The applicant] is still disabled and his employability date is not yet determined.”

The applicant submitted a copy of a letter from the VA dated December 23, 1970. It states “As a disabled veteran you may be eligible for vocational rehabilitation training in addition to any compensation or retirement pay which you now receive...Under the law, veterans whose disability ratings are less than 30% may be provided vocational rehabilitation training only if it can be demonstrated that the disability causes a pronounced employment handicap.” The applicant claimed that he was “under Vocational Rehabilitation” from 1970 until the late 1980’s.

The applicant stated that he started having problems walking in 1970. He alleged that the VA’s claims that his spinal conditions were from childhood polio are untrue because the applicant



had played sports in high school and had no problems in the military until his injuries in Vietnam. The applicant also stated that he had three children, all of whom were born with birth [REDACTED]. The applicant stated that he believed this was due to his exposure to Agent Orange in Vietnam.

### VIEWS OF THE COAST GUARD [REDACTED]

On May 5, 2016, the Judge Advocate General submitted an advisory opinion in which he recommended that the Board grant partial relief in this case based on the findings, analysis, and recommendation provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC noted that the application is not timely filed and therefore should not be considered beyond a cursory review. PSC stated that the [REDACTED] is eligible for a Combat Action Ribbon for events that occurred on November 6, 1968, a date which is encompassed in the applicant's [REDACTED] for serving aboard the [REDACTED]. The [REDACTED] Action Ribbon is awarded to members who have participated in a ground or surface combat firefight or action during which the individual was under enemy fire and performance under fire must have been restrictive, to include personnel aboard a ship when the safety of the ship and crew were endangered by enemy attack. PSC stated that the Combat Action Ribbon should be added to the applicant's DD-214.

PSC stated that the Vietnam [REDACTED] Government issued [REDACTED] Cross Medal Unit Citation to Naval Forces Vietnam from February 8, 1962, to March 28, 1973, and the Civil Actions Medal First Class Color with Palm to Naval Forces Vietnam from January [REDACTED] March 28, 1973. PSC argued that the applicant is therefore eli [REDACTED] th awards, given that his service in Vietnam is include [REDACTED] periods of time.

[REDACTED] According to COMDTINST M1650.25D, the Medals and Awards Manual, the Purple Heart Medal may be awarded to a member of the Coast Guard who, while serving in any capacity with the Coast Guard, has been wounded or killed in any action against an enemy of the United States, in any action with an opposing armed force of a foreign country in which the A [REDACTED] of the United States are e [REDACTED] ile serving with friendly forces engaged in an armed conflict against [REDACTED] armed force in which the United States is not a belligerent party, as a result of an act of any hostile foreign force, as the indirect result of enemy action, [REDACTED] result of maltreatment inflicted by captors while a prisoner of war. A wound is defined as injury to any part of the body from an outside force or agent, sustained while in action. A visible injury is not required, provided it was a direct result of any action listed here, and it required treatment by a medical authority. According to the manual, a summary of action is required for a Purple Heart.

PSC argued that there is no evidence of treatment for injuries sustained during deployment in Vietnam while aboard the [REDACTED] or the [REDACTED]. The applicant claimed that he had been treated for injuries at three hospitals, two overseas and one in the United States. PSC noted, however, that the applicant's post deployment examination on June 17, 1969, does not include documentation of any injury. PSC acknowledged the letters submitted by the applicant. PSC noted that the letter by Mr. R.W. is unsigned due to his passing and that the letter from Mr. N.C. was not notarized. Additionally, PSC stated that the applicant had not provided any medical documentation to corroborate the statements in these letters or proved that he was treated for injuries while abroad.



PSC therefore argued that the applicant is eligible for the Combat Action [REDACTED] the Republic of Vietnam Gallantry Cross Medal with Palm, and the Republic of Vietnam Civil Actions Medal First Class Color with Palm. PSC found that the applicant did not provide enough evidence to support his claim that he should receive the Purple Heart Medal because his medical [REDACTED] not demonstrate that he was treated for injuries in order to meet the requirements of COMDTINST M1650.25D. PSC stated that no further relief is recommended. PSC did not address the applicant's request that his discharge be changed to medically retired.

In support of its advisory opinion, PSC submitted several documents from the applicant's military record, which are included in the summary of the record below.

PSC also provided a print-out from the Coast Guard web page with information on [REDACTED]. Notably, the website [REDACTED] t the [REDACTED] was emergency dry docked in the Philippines, in Subic Bay, from January 15 to January 25, 1969.

### SUMMARY OF THE RECORD

The applicant's military records show that he enlisted on November 1, 1965, attended recruit training, and then completed [REDACTED] "A" School in [REDACTED]. Before enlisting, the applicant received a pre-enlistment medical examination on September 8, 1965. The doctor noted a one-inch scar on the applicant's right knee. [REDACTED]

Following [REDACTED] "A" School, the applicant was deployed to Vietnam. He served aboard the [REDACTED] from August 6, 1966, to April 30, 1968. He then served aboard the [REDACTED] from April 30, 1968, to August 29, 1969.

The applicant's Abstract of Medical History mentions that the applicant was seen for "Contusion head" on February 3, 1966, as an outpatient while at the training center in [REDACTED]. On March 10 through 14, [REDACTED] applicant was seen as an inpatient for an "anxiety reaction," also in [REDACTED]. The following is a narrative summary of the applicant's anxiety reaction. [REDACTED]

DIAGNOSIS: Acute anxiety reaction with hyperventilation  
ORIGIN: Incident of service. Not due to own misconduct.  
HISTORY: This 19 y.o. Coast Guard seaman apprentice was admitted on 3-10-66 with rapid respirations and unresponsiveness of approximately one hour's duration. The patient was responsive appropriately to verbal stimuli on admission but refused to speak. He was found by his barracks mates lying unconscious on the floor and breathing very rapidly. Vital signs were stable and there were no neurological defects detected. After arriving at the hospital hyperventilation stopped but he continued to refuse to speak. He was, therefore, admitted [REDACTED] for further observation. [REDACTED] Apparently he had a similar episode in boot camp. On 3-3-66 he struck his head but no damage apparently resulted. He has a history of multiple accidents in the past....The entire physical examination including neurological was unremarkable.  
HOSPITAL COURSE: On admission the patient was thought to have an acute anxiety reaction with hyperventilation. He was, therefore, given thiorazine 25 mgm IM immediately and then thiorazine 25 mgm orally 4 times a day. The following day he was considerably better but showed no absolutely no insight into what had happened to him. At that time the thiorazine was discontinued and he was placed on Librium 10 mgm 4 times a day. It was noted that on the day following admission he was scheduled for several exams in radio school. 3-13-66 he was entirely normal but continued to show no insight into the situation and he was, therefore, discharged.



The applicant underwent another physical examination on March 17, 1967, [REDACTED] the doctor noted only a scar over the applicant's right knee.

According to a medical record dated January 17, 1969, while assigned to the [REDACTED] the applicant was seen for an eye injury. The medical report states, "Particles of burning match entered O.D. [right eye] last P.M. Small piece embedded cornea. Removed, however ring of burned cornea remains."

The applicant underwent a post-deployment physical examination on June 17, 1969. The examination again noted a scar on his right knee, as well as "Nose – URI" [upper respiratory infection] and "Ears – Dy/Hearing right ear po [REDACTED]s otitis. Mild Gynecomastia."

[REDACTED] August 8, 1969, the a [REDACTED]bmitted [REDACTED] requesting early release from active duty in order to attend college. In the letter the applicant stated, "It is requested that I be released from active duty 77 days early ... for the purpose of enrolling in a full time course of study at ... [a] Community College."

On August 26, 1969, the applicant underwent a pre-separation physical examination, and the only medical condition that was i [REDACTED] the scar over hi [REDACTED] which he had incurred before enlisting and was denoted as "NCD," which means that it was not considered disqualifying. The examination noted that the applicant's head, face, scalp and neck were a [REDACTED]

On August [REDACTED], the applicant was discharged from active duty in order to attend college and [REDACTED]ed into the Reserve. The applicant's DD-214 states that he was released [REDACTED] end college on August 29, 1969. It states that he had 3 years, 9 months, and 29 days of total active service, and 3 years, 24 days of foreign and/or sea service. The DD 214 lists his medals as "Vietnam Service Medal (w/3 bronze campaign stars), Republic of Vietnam Campaign Medal (w/device), National Defense Service Medal, Navy Unit Commendation Ribbon." [REDACTED] education and training as [REDACTED] Class "A" School.

[REDACTED] The applicant was discharged from the Reserve on October 31, 1971. [REDACTED]

### ***Summary of Applicant's VA Medical Records***

The VA provided a portion of the applicant's medical records for the Board, spanning from 2013 to 2015, and containing 5,400 pages. While the Board has the applicant's military record before it, the remainder of the VA medical records were not provided. His rated disabilities included an overall 100% se [REDACTED]ected d [REDACTED]ting, including a 70% rating for PTSD. Below are the most notable and relevant medical claims made by the applicant about his medical history to his VA doctors from 2013 to 2015, as recorded by the doctors:

- S/P GSW [gun shot wound] to body in Vietnam. Probable post-polio syndrome.
- HX [history] of jaundice in Vietnam
- Probable HX of malaria in Viet



- HX of PTSD
  - HX of Polio – LMN [lower motor neuron] dysfunction absent reflexes [REDACTED]
  - Served on Army intelligence in Vietnam war, exposed to Agent Orange. He received his cervical spine injury in 1969 when he was serving in Cambodia, since then he [REDACTED] paraplegic and has been in a wheelchair since the 1970's.
  - History of agent orange exposure during Vietnam: patient has had many tumors and skin lesions removed.
  - He has a complicated medical history including incomplete quadriplegia s/p multiple gunshot wounds and shrapnel entry.
  - ID was called to evaluate this pleasant gentleman for possible (somewhat suspicious for) malignant otitis externa. [REDACTED]
  - Self described coast guard cryptographer in Special Operations during nam. Carries a dx of asia cIA which is not accurate. Also says he had polio as a child...ptsd, peripheral neuropathy, edentulous secondary to indirect fire.
  - Incomplete tetraplegia due to UMN [upper motor neuron] dysfunction.
  - C4ASIA B tetraplegic, s/p V [REDACTED] related trauma [REDACTED] He has a medical hx of TIAs and atrial fib s/p loop recorder...Information for this annual evaluation was gathered via clinical interview...[and] pt's wife, who entered the room after [REDACTED] view was complete.
  - Patient has [REDACTED] history of PTSD. He sees a psychologist regularly.
- [REDACTED] emotional support issues: PTSD, can be anxious, he and wife can be very demanding and unreasonable, they both like to go on and on about all his multiple health issues over the years that have already been resolved, but that they still like to complain about the old resolved issues he's had over the years. [REDACTED]
- Though Pt 's responses on this screen do not indicate positive PTSD, Pt. reports [REDACTED] a PTSD dx which he manages via a combat support group at his local VA. Stated that the group is 'sometimes' useful, though at times increases sx's [symptoms] due to exposure to others' stories. Overall, stated that flashbacks and nightmares have decreased significantly (e.g., 2/3xs p/month; can now watch/listen to fireworks w/out alarm; not as affected by helicopters as he was previously). Reported PTSD sx's were addressed as an inpatient psych patient 4xs (viz., 1972, 1974, 1976, & 1978). Reminded Pt. he might seek individual therapy to further manage PTSD sx's.
  - Psychiatric History: [REDACTED] treatm [REDACTED] He reported that he has been seeing a psychologist intermittently since 1993. He reported a good therapeutic alliance with the psychologist and described him as very supportive and available to his needs. Psychiatric diagnoses: He reported that his first diagnosis after Vietnam was for Schizophrenia (prior to 1972), which later changed to Generalized Anxiety Disorder and has most recently been changed to Post Traumatic Stress Disorder (70% SC [service-connected]). Also seen for chronic pain problem. Noted by his psychologist most recently (July 2013) to still have significant anxiety and dysphoria related to his combat-related PTSD.



- T1-T4 SCI [spinal cord injury] sustained in Vietnam w/ neurogenic bowel/bladder.
- 100% SC Vietnam Era Coast Guard/Army Veteran with h/o C1 ASIA A, incomplete tetraplegia 2/2 shrapnel, gsw while on active duty who is electively admitted.
- Male with a PMH of C1 traumatic explosion injury referred for evaluation.
- He also reported a long history of ‘survivor’s guilt,’ but denied any other sources of guilt...He endorsed weekly nightmares about his experience in Vietnam, feeling easily startled/on guard, and feeling detached from others and his surroundings. However, he reported that he does not try to avoid discussing the trauma and that he engages in conversations about it.
- Midline lower abd scar, left lower abd [redacted] in Vietnam, post thorax scars also from Vietnam, mortar and small arms fire (1969).
- [redacted] vet has hx of spinal injury sustained in Vietnam. Polio as child.
- **MILITARY HISTORY:** POW: No. Combat: No. Service Connected 50% to 100%. Branch of Service: Coast Guard. Entered on Active Duty: Nov 1, 1965. Discharged from Active: Aug 29, 1969. Service Discharge Type: Honorable. Additional Military Assessment: Pt. disclosed extensive combat exposure during the Vietnam Era. Pt. served in the Army Special Forces as well. [redacted] a Disability [redacted] from the military. Pt. denies TBI, or MST associated with his active duty career, however he is 70% SC for PTSD. Pt. states that his symptoms are well managed with current n [redacted] regimen.

The record [redacted] ins a copy of a September 8, 2015, letter from the applicant written to his primary [redacted] rd doctor. The letter reads, “You listed my condition as caused from post [redacted], not know if you forgot, but I went over this with you several years ago, and showed you the records. I do not have Post Polio Syd. [redacted] are related to Vietnam. All my records have either been destroyed or lost. You can confirm that no records exist at [the BCMR].”

#### **APPLICANT’S [redacted] SE TO THE VIEWS OF THE COAST GUARD [redacted]**

On July 1, 2016, the applicant responded to the views of the Coast Gu [redacted] agreed with them. The applicant first contended that the military records the Board is using are not accurate. He stated that the originals were lost between 1970 and 1974 by a VA office and that the VA and the National Military Personnel Records had informed the applicant that his records had to be reconstructed.

The applicant disagreed that the application was untimely. He reiterated that he has tried many times with the National [redacted] l Reco [redacted]. He stated that he was told his records burned in “the 1973 fire.” He claimed that he contacted the Coast Guard in the 1970s and 1980s, and both times he received a letter from the Coast Guard that they could not locate his records, but could only verify that the applicant had been in the Coast Guard and was “in Vietnam for an extended period.”

The applicant argued that, although his records are largely inaccurate, they do correctly reflect the fact that he received a head injury prior to going to Vietnam. He claimed that this



contusion was caused by someone working on the mast of a ship who dropped a heavy item “from over 50 foot in the air which struck [the applicant] in the back of the head and neck.” The applicant stated that for a few days following the injury, he was confused, dizzy, and experienced black outs. He claimed that he was taken to the hospital on February 10, 1966, and argued that someone altered the admission date.<sup>2</sup> The applicant argued that he was hospitalized because “they said [he] had suffered a severe concussion and was waking having anxiety reactions.” [REDACTED] he was admitted on February 10, 1966, and discharged on March 14, 1966, and that he was told he “might suffer lifelong problems from this, especially as [he] got older.” He stated that this injury should have been listed on his DD-214.

The applicant stated that in 1970, a head injury was noted on his Original Compensation sheet, but it stated that there were no residuals from the head injury. He claimed that the document stated there were no residuals because he was being released into the care of private doctors for follow up of “the condition.” He further stated that he was treated for this injury in 1970 at a VA hospital, but was admitted under “mental status” due to his headaches, severe nightmares, and panic attacks. He stated that his condition was later diagnosed [REDACTED]. The applicant further [REDACTED] received major surgery, and the testing revealed that he had Minimal Brain Damage, which the [REDACTED] explained came from head injuries but no speech or neurological problems resulted. He further alleged that his X-rays and EEG reports show that the damage to his spine could only have resulted from extreme trauma, and not post-polio syndrome.

Next, the applicant claimed that the Coast Guard used the unsigned letter of Mr. R.W. to deny him the Purple Heart. He stated “Your use this unsigned letter in denying the purple heart. You stated that you need to signed witness. You have accepted [Mr. N.C.] signed statement.” The applicant reiterated how many times he has sent both of the letters to the Board, and claimed that one of the letters from Mr. R.W. was signed. He stated that he has called the BCMR every time he sends something in to ensure that it was received. The applicant argued that if the Board were to accept the first signed letter from Mr. R.W., then “you have the two eye witness you said you require to support my contentions.”

The applicant then stated that the eye injury in his records was not caused from lighting a match. He argued that this injury was caused from “one of the times” he volunteered to serve as a communication specialist in Vietnam. He claimed that the boat came under mortar attack, and the eye injury was from a “little piece of flying medal from one of the mortar.” The applicant contended that this injury should also have been listed on his DD-214.

The applicant argued that the June 17, 1969, medical examination shows that he suffered “permanent hearing loss and Otitis.” He claimed that he still suffers from this condition, but he cannot wear hearing aids because of repeated ear infections. The applicant stated that he has hearing loss that developed in the Coast Guard, and he claimed a doctor has told him he has tendonitis which will cause ringing and pain in his ears. He stated that these conditions should be listed on his DD-214 as well.

To conclude, the applicant argued that he established enough information to have his head injury listed on his DD-214, even without taking into account his Vietnam service. He stated,

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<sup>2</sup> The sheet states that the applicant was admitted 3-10-66. The 3 is written over what appears to be a 4.



however, that the greatest injuries to his head occurred on a volunteer mission in Cambodia. He claimed that he is also entitled to the Bronze Star with Oak Leaf Cluster because it was awarded to all members present in Saigon during certain conflicts. The applicant stated that adding his medical conditions to his DD-214 will allow him to get service connected ratings for conditions that are now listed as non-service connected.

### 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. 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 in his military record. The applicant was discharged in 1969 and, according to him, he has been diagnosed with and suffering from his disabilities for many years. Therefore, his application is untimely.
3. Pursuant to 10 U.S.C. § 1552(b), the Board may excuse the untimeliness of an application if it is in the interest of justice to do so. In *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992), the court stated that to determine whether the interest of justice supports a waiver of the statute of limitations, the Board "should analyze both the reasons for the delay and the potential merits of the claim based on a cursory review." The court further instructed 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>3</sup>
4. The applicant argued that it is in the interest of justice to review his application because he has applied many times over the years, and he has been told his records were lost and/or destroyed in a fire. The Board has no record of prior applications from the applicant, however, and finds that the applicant has not shown that anything prevented him from complaining of the alleged errors on his DD-214 to the Board sooner.
5. PSC was able to find three medals to which the applicant is entitled, but did not receive: the Combat Action Ribbon, the Republic of Vietnam Gallantry Cross Medal with Palm, and the Republic of Vietnam Civil Actions Medal First Class Color with Palm. In light of the eligibility criteria in the Medals and Awards Manual, COMDTINST M1650.25D, the Board agrees with the Coast Guard that the applicant should receive these medals, and they should be listed on his DD-214.
6. The applicant specifically requested that he be awarded the Purple Heart medal due to the injuries he allegedly sustained while in Vietnam. To be eligible for a Purple Heart, a member must have received injuries, whether external or internal, in action against the enemy for which medical assistance was required. Although the applicant has vehemently stated that he received multiple severe injuries in Vietnam and/or Cambodia, and has provided a signed statement from

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<sup>3</sup> *Allen v. Card*, 799 F. Supp. 158, 164-65 (D.D.C. 1992); see also *Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).



one Army veteran and an unsigned statement attributed to another to corroborate these injuries, there is simply no persuasive evidence in the record that the applicant received any qualifying injuries while overseas in Vietnam. On January 17, 1969, the applicant did receive an injury to his eye while lighting a match. The applicant claimed that the record was incorrect, and that it was not a piece of a match that flew into his eye, but a piece of metal from an enemy attack. However, the Coast Guard states that the [REDACTED] the cutter to which he was assigned on that date, was in emergency dry dock in the Philippines from January 15 to 25, 1969. The Wikipedia page that the applicant submitted multiple times also states this fact. Therefore, the eye injury could not have been sustained during an enemy attack. Although the applicant alleged that he was serving with the Army in an Army uniform at the time, there is no evidence supporting this allegation in his military personnel file, which shows that he was assigned to the two cutters throughout his time in Vietnam. Moreover, the records of the applicant's two physical examinations that followed his return from deployment in Vietnam do not report any injuries that would qualify for a Purple Heart. To the contrary, all of the applicant's physical examinations note that his head, face, scalp and neck were normal. The applicant's military medical records are presumptively correct,<sup>4</sup> and he has submitted insufficient evidence to rebut them. Despite the claims of the applicant and his friends that he was severely injured while serving in combat with the Army in an Army uniform, the Board finds no convincing evidence that the applicant received injuries qualifying for the Purple Heart while serving overseas. Accordingly, the Board finds that the applicant is not entitled to a Purple Heart.

7. A cursory review of the applicant's request for a medical retirement indicates that it lacks potential merit. Medical discharges and retirements are received by members who are involuntarily separated because a diagnosed physical disability has rendered them unfit for continued military service.<sup>5</sup> In this case, the applicant's records clearly show that he was discharged early so that he could attend college. These records are entitled to a presumption of regularity,<sup>6</sup> which the applicant has not overcome. While the applicant claims that he was forced out of the military, his military records show that the applicant requested and was allowed to leave active duty to attend college, and the applicant admitted this fact in one of his letters to the Board. Because there is no persuasive evidence that the applicant was separated because of a medical condition or that he was not fit for duty at the time of his separation, the applicant is not entitled to a medical retirement.

8. Accordingly, the Board finds that the applicant should be awarded the Combat Action Ribbon, the Republic of Vietnam Gallantry Cross Medal with Palm, and the Republic of Vietnam Civil Actions Medal First Class Color with Palm. However, the remainder of the applicant's request for relief should be denied based on untimeliness and lack of merit.

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<sup>4</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).

<sup>5</sup> U.S. COAST GUARD, CG-207, PERSONNEL MANUAL, Art. 17-A-1(b) (Amend. No. 32, 1972) ("The law that provides for disability retirement or separation (10 U.S.C., chapter 61) is designed to compensate members whose military service is terminated due to a physical disability that has rendered him or her unfit for continued duty.").

<sup>6</sup> 33 C.F.R. § 52.24(b); see *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992) (citing *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979), for the required presumption, absent evidence to the contrary, that Government officials have carried out their duties "correctly, lawfully, and in good faith.").



**ORDER**

The application of former [REDACTED] [REDACTED] USCG, for correction of his military record is granted in part as follows:

The Coast Guard shall correct his DD-214 by issuing a DD-215 to show that he is entitled to the Combat Action Ribbon, the Republic of Vietnam Gallantry Cross Medal with Palm, and the Republic of Vietnam Civil Actions Medal First Class Color with Palm.

All other requests for relief are denied.

March 10, 2017

