

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2017-020

██████████
██████████

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 October 28, 2016, 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 August 4, 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 retired ██████████ who served on active duty in the Marine Corps for more than seven years and in the Coast Guard from October 1, 2002, to August 31, 2015, asked the Board to correct his DD 214¹ documenting his active duty in the Coast Guard to show that he received the Combat Action Ribbon and participated in Operation Desert Storm/Shield. He alleged that he is eligible for the Combat Action Ribbon because he served in Somalia with the Marine Corps. The applicant also stated that he participated in Operation Desert Storm/Shield (Kuwait) from December 12, 1994, to January 29, 1995, from January 30, 1995, to March 4, 1995, and asked that this service be included on his Coast Guard DD 214 as well.

In support of his application the applicant submitted a copy of his DD 214 for his service in the Marine Corps which shows that he served on active duty for 7 years, 7 months, and 8 days from April 5, 1993, until his honorable discharge on November 13, 2000. He also submitted a copy of a DD 215 issued by the Marine Corps on July 13, 2016, which corrects Block 18 (Remarks) on his DD 214 by adding the Combat Action Ribbon and a line stating that he had participated in Operation Desert Storm/ Shield from February 12, 1994, to January 29, 1995, and from January 30, 1995, to March 4, 1995.

¹ A DD 214 is prepared to document a member's release or discharge from a period of active duty.

The applicant stated that he discovered the alleged errors in his record on June 1, 2016, and argued that the Board should find it in the interest of justice to consider his application because he recently discovered that he is listed in the Humanitarian/Combat Action Database maintained by the Marine Corps Manpower Headquarters.

SUMMARY OF THE RECORD

The applicant enlisted in the Marine Corps Reserve on March 20, 1993, under the delayed entry program and then enlisted in the active duty Marine Corps on April 5, 1993. He served 7 years, 7 months, and 8 days on active duty. On November 13, 2000, the applicant was released into the Marine Corps Reserve for the remainder of his 8-year military service obligation, which ended on March 19, 2001.

The applicant enlisted in the Coast Guard on October 1, 2002, and served honorably until his retirement on August 31, 2015. The DD 214 for his active Coast Guard service erroneously indicates that he enlisted in the Coast Guard on February 22, 1995,² and served 20 years, 6 months, and 9 days on active duty in the Coast Guard. The applicant's Coast Guard DD 214 does not include the Combat Action Ribbon or indicate that he served in Operation Desert Storm/Shield, as shown on the DD 215 correcting his Marine Corps DD 214, but it includes the other medals and awards that are noted on the DD 214 that he received upon his discharge from the Marine Corps. He retired from the Coast Guard on August 31, 2015.

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 DD 214 should show "all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service."

The DD 214 instruction states that Block 18 of the DD 214 should contain information not shown elsewhere on the form. Article 2 of Enclosure (1) to CGPSCINST 1900.1A states that participation in DoD contingency operations between the date of entry on active duty in Block 12.a. of a DD 214 and the date of separation in Block 12.b. will be documented in Block 18 (Remarks).

The DD 214 instruction states that the DD 215 is used when a correction is needed to a DD 214 that has already been issued and distributed.

VIEWS OF THE COAST GUARD

On March 23, 2017, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant partial relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC).

² The applicant served in the Marine Corps from April 5, 1993, to November 13, 2000.

The JAG argued that the applicant's DD 214 should be corrected to show that he earned the Combat Action Ribbon. He noted that the applicant submitted a DD 215 prepared by the Marine Corps which shows that he earned the ribbon during his service in the Marines Corps and argued that pursuant to the DD 214 instructions, Block 13 of the applicant's Coast Guard DD 214 should contain all ribbons awarded or authorized for all periods of service, including awards listed on prior DD 214s from other services.

The JAG recommended that the applicant's DD 214 for his Coast Guard service be corrected to show that he enlisted in the Coast Guard on October 1, 2002. He stated that it currently shows that he enlisted on February 22, 1995, but argued that this is incorrect because his enlistment contract shows that he enlisted in the Coast Guard on October 1, 2002, and the DD 214 for his Marine Corps service shows that he was on active duty in the Marine Corps on February 22, 1995.

The JAG recommended that the applicant's DD 214 not be corrected to show that he participated in Operation Desert Storm/Shield. He argued that in accordance with the current DD 214 instructions, CGPCINST 1900.1, Block 18 of the DD 214 can only contain contingency operations that occurred between the dates of entry and separation in Blocks 12.a. and 12.b. on the DD 214. Therefore, the JAG argued, because Blocks 12.a. and 12.b. of the applicant's DD 214 for his Coast Guard service should cover only his active duty time in the Coast Guard and not his Marine Corps service, the remarks in Block 18 on his Marine Corps DD 214 should not be included on his Coast Guard DD 214, and specifically, his service in Operation Desert Shield/Storm should not be included in Block 18 of the DD 214 for his Coast Guard service.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 1, 2017, the BCMR Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The Chair did not receive a response.

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. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.³ The applicant was discharged on August 31, 2015, and his application is timely.

2. The applicant argued that the DD 214 for his Coast Guard service should be corrected to show that he earned the Combat Action Ribbon and that he served on active duty during Operation Desert Storm/Shield in Kuwait from December 12, 1994, to January 29, 1995, and from January 30, 1995, to March 4, 1995. 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

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

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).

3. The Board finds that the applicant has proven by a preponderance of the evidence that his Coast Guard DD 214 should reflect that he earned the Combat Action Ribbon because his record contains a DD 215 issued by the Marine Corps on July 13, 2016, which shows that he received the Combat Action Ribbon for his service in Somalia. The Board notes that although the applicant earned the ribbon while he was in the Marine Corps, it should nonetheless be included on the DD 214 for his Coast Guard service because Chapter 1.E. of the Commandant’s instructions for completing the DD 214 provides that the DD 214 should show “all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service.”

4. Although the applicant asked the Board to correct his Coast Guard DD 214 to show that he participated in Operation Desert Storm/Shield, the Board finds that this information should not be included on his Coast Guard DD 214 because he was not in the Coast Guard when he participated in that operation. Article 2 of Enclosure (1) to CGPSCINST 1900.1A states that participation in DoD contingency operations between the dates listed in Blocks 12.a. through 12.b. will be documented in Block 18 (Remarks). Blocks 12.a. and 12.b. of the applicant’s Coast Guard DD 214 should show his date of entry and date of separation from the Coast Guard (although they require correction), and the record shows that the applicant was in the Marine Corps when he participated in Operation Desert Storm/Shield from December 12, 1994, to January 29, 1995, and from January 30, 1995, to March 4, 1995, and did not enlist in the Coast Guard until October 1, 2002. The Board notes that the applicant submitted a copy of a DD 215 issued by the Marine Corps which shows that he participated in Operation Desert Storm/Shield so his participation in that operation is already properly documented in his military record.

5. The applicant did not ask the Board to change Block 12.a., Date Entered AD [active duty] This Period, on his DD 214, but the JAG recommended that the Board correct the date because the current date in that block is incorrect. The Board agrees. The applicant’s DD 214 for his Coast Guard service currently indicates in Block 12.a. that he entered active Coast Guard service on February 22, 1995. However, this is not accurate because (1) his enlistment contract shows that he enlisted in the Coast Guard on October 1, 2002, and (2) his DD 214 for his service in the Marine Corps shows that he served from April 5, 1993, to November 13, 2000. Accordingly, the Board finds that the applicant’s DD 214 should be corrected to show in Block 12.a. that he entered the Coast Guard on October 1, 2002. In addition, because Block 12.c. on a DD 214 is supposed to show the amount of active duty time between Blocks 12.a. and 12.b., Block 12.c. must also be corrected. Moreover, Block 12.d., “Prior Active Service,” should show the applicant’s prior active duty time in the Marine Corps, and Block 12.e., “Prior Inactive Service,” should show the applicant’s prior inactive service in the Marine Corps Reserve.

6. The applicant has proven by a preponderance of the evidence that his DD 214 does not accurately reflect the Combat Action Ribbon that he earned during his service in the

Marine Corps. In addition, Block 12 of his DD 214 inaccurately shows all of his active duty as having been performed in the Coast Guard, as if he had never served in the Marine Corps. Accordingly, his DD 214 should be corrected as follows:

- Block 13 should be corrected to show that he received the Combat Action Ribbon;
- Block 12.a. should be corrected to show that he entered active duty on October 1, 2002;
- Block 12.c. should be corrected to show that he served 12 years and 11 months on active duty in the Coast Guard;
- Block 12.d. should be corrected to show his prior active duty in the Marine Corps; and
- Block 12.e. should be corrected to show his inactive duty time in the Marine Corps.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former [REDACTED], USCG, for correction of his military record is granted in part. The Coast Guard shall make the following corrections to his DD 214 dated August 31, 2015:

- Block 13 shall be corrected to show that he received the Combat Action Ribbon;
- Block 12.a. shall be corrected to show that he entered active duty on October 1, 2002;
- Block 12.c. shall be corrected to show that he served 12 years and 11 months on active duty in the Coast Guard;
- Block 12.d. shall be corrected to show his prior active duty in the Marine Corps; and
- Block 12.e. shall be corrected to show his inactive duty time in the Marine Corps.

August 4, 2017

