

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2017-021

██████████
██████████

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 26, 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 July 28, 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 former seaman (SN) who enlisted for four years and served on active duty in the Coast Guard from January 24, 1966, to November 13, 1969,¹ asked the Board to correct his DD 214² documenting his active duty to show that he received the following awards:

1. Overseas Service Ribbon for the South Pole 1967 – 1968, and Vietnam from 1968 – 1969
2. Sea Service Ribbon
3. Unit Commendation Ribbon - Vietnam
4. Navy Meritorious Unit Commendation Ribbon

The applicant argued that his record should be corrected by adding these awards because he became eligible for them while on active duty but the Coast Guard failed to give them to him before he was discharged. He did not state when he discovered the alleged errors in his record nor did he offer an explanation of why he waited so long to request the medals and ribbons. In support of his application, he submitted copies of his DD 214 and two DD 215s, none of which show that he received the medals or ribbons that he is currently asking for. The applicant also submitted an October 1, 1971, letter that he received from the Commandant which states that he

¹ The applicant served for 3 years, 9 months, and 21 days.

² A DD 214 is prepared to document a member's release or discharge from a period of active duty and a DD 214 is used to correct or add information to a DD 214.

is eligible for a Coast Guard Good Conduct Medal (GCM) and a Navy Unit Commendation Ribbon. He also submitted a copy of a Wikipedia page for the Coast Guard Cutter Point Glover, which states that the crew of the cutter received a Navy Unit Commendation, a Navy Meritorious Unit Commendation, and a Vietnam Service Medal.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard January 24, 1966, and served aboard the CGC Ingham (based in Port Angeles, Washington) from April 6, 1966, to June 5, 1967; aboard the CGC Westwind—an icebreaker that was based at the Coast Guard Yard near Baltimore, Maryland, but visited the Antarctic—from June 5, 1967, to July 7, 1968; and aboard the CGC Point Glover from November 28, 1968, to September 25, 1969 (Division 12 – Vietnam). He was honorably discharged and released into the Reserve on November 13, 1969, and his DD 214 and DD 215s indicate that he earned the following awards and medals while on active duty:

1. National Defense Service Medal
2. Antarctic Service Medal
3. Vietnam Service Medal with one Bronze Star
4. Republic of Vietnam Campaign Medal with Device
5. Restricted Service Ribbon
6. Combat Action Ribbon

The applicant's record also contains a Record of Discharge, Release from Active Duty (CG-3309) dated November 13, 1969, which states that he had received a GCM for the period of service ending November 13, 1969, with final average marks of 3.39 in proficiency, 3.30 in leadership, and a 4.0 in conduct. There are numerous references in his record regarding his eligibility for the GCM, but it is not listed on the applicant's DD 214 or DD 215s. His record also includes an award citation from the Secretary of the Navy which states that the Navy Unit Commendation was awarded to the Division 12 of the Coast Guard for its participation in combat operations in Southeast Asia from July 1, 1968, to June 30, 1969.

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 block 13 of a DD 214 should show "all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service."

Chapter 5.A.21. of COMDTINST M1650.25E, the Coast Guard Medals and Awards Manual, states that the Coast Guard Overseas Service Ribbon is awarded to "active duty members of the Coast Guard on a permanent assignment and who successfully complete a tour of duty of at least 12 months at an overseas shore based duty station or on-board a Cutter permanently assigned to an overseas area." Subsequent awards of a 3/16 inch bronze star are authorized for each additional eligible period of duty. This ribbon was authorized in 2009 and retroactive awards are authorized under Chapter 5.A.21.d.

Chapter 5.A.21.c. of the manual states that members who receive the Coast Guard Restricted Duty Ribbon are not eligible to receive the Coast Guard Overseas Service Ribbon for the same period.

Chapter 5.A.19. of the manual states that the Coast Guard Sea Service Ribbon is awarded to active and inactive duty members of the Coast Guard and Coast Guard Reserve or non-Coast Guard personnel who, under temporary or permanent assignment, satisfactorily complete a minimum of 12 months cumulative sea duty. For the purposes of the award, sea duty is defined as duty performed aboard any commissioned Coast Guard cutter 65 feet or more in length. This award was authorized on March 3, 1984, and was not made retroactive.

Chapter 6.A.3. states that the Vietnam Service Medal was “[a]warded to all members serving at any time between 4 July 1965 and 28 March 1973 in the area defined under the Armed Forces Expeditionary Medal for Vietnam.” Enclosure 16 states that to be eligible, a member must “[b]e attached to or regularly serve for 1 or more days with an organization participating in or directly supporting or aboard a naval vessel directly supporting military operations.” Enclosure 16 also lists the periods and operations for which the award was granted and states that the medal and one bronze star denote the first award and that for each subsequent award, another bronze star is awarded. The list includes the following periods:

- IX - 02 Nov 1968 to 22 February 1969 - Vietnamese Counteroffensive Phase VI
- X - 23 February 1969 to 8 June 1969 - TET 69/Counteroffensive
- XI - 09 June 1969 to 31 October 1969 - Vietnam Summer-Fall 1969

Enclosure 5 to the Medals and Awards Manual lists the units eligible to receive the Coast Guard Unit Commendation. The CGC Point Glover is not listed as an eligible unit.

Enclosure 6 to the manual lists the units and periods eligible for the Navy Unit Commendation Medal. The CGC Glover is listed as eligible for this medal as part of Division 13 from June 1, 1968, to December 31, 1968, and as part of Division 12 from July 1, 1968, to June 30, 1969. According to paragraph 123.1. of SECNAVINST 1650.1H, each bronze star appended to a medal denotes a subsequent award of this medal.

Enclosure 8 to the manual lists the units and periods eligible for the Navy Meritorious Unit Commendation Medal (which is a lesser award than the Navy Unit Commendation Medal). The CGC Glover is listed as eligible for this medal only for the period December 19, 1969, to February 14, 1970.

Enclosure 11 to the Medals and Awards Manual states that to receive a GCM from November 1, 1963, through December 31, 1979, a member had to have completed four consecutive years of active duty with no NJP, misconduct, no civil conviction for offense involving moral turpitude, and minimum marks of 3.0 for proficiency, leadership, and conduct (on a 4.0 scale). Paragraph 1 of the enclosure states that between July 14, 1965, and December 31, 1979,

persons serving in their first enlistment who meet the requirements for a Good Conduct Medal, except for three months or less of completing a four-year period of continuous active duty due to an early discharge under the provisions of Articles 1.B.7 and 1.B.8, Military Separations, COMDTINST M1000.4(series), shall not be deprived of a GCM because of such early separation, or transfer to inactive duty in the Reserve to complete a period of obligated service.

Enclosure 13 to the Medals and Awards Manual states that the Antarctica Service Medal was awarded to members who served aboard the CGC Southwind between December 15, 1967, and March 25, 1968, November 14, 1968, to April 3, 1969, or January 5, 1972, to February 26, 1972.

Enclosure 16 to the Medals and Awards Manual states that the Republic of Vietnam Gallantry Cross Medal Color with Palm was awarded from February 8, 1962, to March 28, 1973, and the Republic of Vietnam Civil Actions Medal, First Class Color with Palm was awarded from January 1, 1965, to March 28, 1973. These awards were issued to both individuals who accomplished deeds of valor and to units. Coastal Division 12 in Vietnam was awarded the medals for the periods October 1, 1967, to December 15, 1968, and September 21, 1969, to November 21, 1970. Enclosure 6 notes that the unit citation was issued to Naval Forces Vietnam and all subordinate units from February 8, 1962, to March 28, 1973.

Enclosure 16 to the manual authorizes certain foreign awards as follows:

- “The Vietnamese Government issued the Gallantry Cross Medal Unit Citation to Naval Forces Vietnam and all subordinate units from 08 February 1962 to 28 March 1973.”
- “The Vietnamese Government issued the Civil Actions Medal First Class Color with Palm to Naval Forces Vietnam and all subordinate units from 01 January 1965 to 28 March 1973.”

VIEWS OF THE COAST GUARD

On January 19, 2016, 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).

PSC argued that partial relief should be granted because although applicant’s request is untimely, there are several awards and medals that he is eligible for but that are not listed on his DD 214. After performing a comprehensive review of the applicant’s military record, PSC discovered that he is eligible for several awards that are not in his record or on his DD 214/DD 215s.

Ribbons/Medals Requested by Applicant

Overseas Service Ribbon: PSC argued that the applicant is not eligible for the Overseas Service Ribbon because he received a Restricted Duty Ribbon for his overseas service and Chapter 5.A.21. of the Coast Guard Medals and Awards Manual states that members who receive the

Coast Guard Restricted Duty Ribbon are not eligible to receive the Coast Guard Overseas Service Ribbon for the same period.

Coast Guard Sea Service Ribbon: PSC recommended that the applicant's record be corrected to show that he received the Coast Guard Sea Service Ribbon. PSC argued that the applicant is eligible for the ribbon because his record indicates that he completed a minimum of 12 months of cumulative sea duty and is eligible for the medal pursuant to Chapter 5.A.21. of the Medals and Awards Manual, which states that the ribbon is awarded to members of the Coast Guard who, under temporary or permanent assignment, satisfactorily complete a minimum of 12 months cumulative sea duty.

Unit Commendation Ribbon - Vietnam: PSC argued that the applicant is eligible to receive a Navy Unit Commendation because the record shows that he served aboard the CGC Point Glover during a period for which that cutter was eligible for the medal, in accordance with Enclosure 8 to the Medals and Awards Manual.

Navy Meritorious Unit Commendation: PSC argued that the applicant is not eligible for this medal because he did not serve aboard the CGC Point Glover during the period of eligibility for the medal. PSC noted that he served on the CGC Point Glover from November 28, 1968, to September 25, 1969, but that Enclosure 8 of the Awards Manual states that the medal was only available to the crew of the CGC Point Glover for service from December 19, 1969, to February 14, 1970.

Other Ribbons/Medals Recommended by PSC

Upon reviewing the applicant's military record, PSC determined that he is eligible for several other medals or ribbons that are not currently listed on his DD 214 or DD 215s. PSC recommended that the applicant's record be corrected to show that he received the Republic of Vietnam Meritorious Unit Citation Gallantry Cross Ribbon with Palm, and the Republic of Vietnam Meritorious Unit Citation Civil Action First Class Color Ribbon with Palm. PSC also recommended that his record be corrected to show that he is eligible for three bronze stars on his Vietnam Service Medal because his current DD 214 shows that he only received one star on his Vietnam Service Medal.

PSC concluded that the applicant's service made him eligible for the following awards and recommended that they be added to his DD 214:

1. Coast Guard Sea Service Ribbon
2. Republic of Vietnam Meritorious Unit Citation Gallantry Cross Ribbon with Palm
3. Republic of Vietnam Meritorious Unit Citation Civil Action First Class Color Ribbon with Palm
4. Vietnam Service Medal with three bronze stars
5. Navy Unit Commendation with one bronze star

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On March 31, 2017, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The BCMR 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 February 12, 1971, and his application is untimely.

2. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.⁴ 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”⁵ 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.”⁶

3. The applicant did not explain why he waited so long to seek these corrections and the Board finds that nothing prevented him from seeking correction of the alleged errors or injustice more promptly. However, because the Coast Guard has identified clear omissions on the applicant's DD 214, which should be corrected, the Board finds that it is in the interest of justice to waive the statute of limitations in this case.

4. The applicant alleged that his DD 214 does not list several ribbons/medals that he should have received. 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.⁷ 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.”⁸

5. The applicant argued that his DD 214 should be corrected to show that he received the Overseas Service Ribbon for his service in the South Pole and Vietnam. The Board

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

⁴ 10 U.S.C. § 1552(b).

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

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

⁷ 33 C.F.R. § 52.24(b).

⁸ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

finds that the applicant is not eligible to receive the ribbon for his Vietnam service because he received a Restricted Service Ribbon for his service in Vietnam, and Chapter 5.A.21.c. of the manual states that members who receive the Coast Guard Restricted Service Ribbon are not eligible to receive the Coast Guard Overseas Service Ribbon for the same period. Nor does the applicant's service in Antarctica entitle him to this ribbon because the CGC Westwind, although it visited the Antarctic, was based at the Coast Guard Yard near Baltimore. Chapter 5.A.21. of the Medals and Awards Manual states that the Coast Guard Overseas Service Ribbon is awarded to "active duty members of the Coast Guard on a permanent assignment and who successfully complete a tour of duty of at least 12 months at an overseas shore based duty station or on-board a Cutter permanently assigned to an overseas area." (Emphasis added.) The applicant's record shows that he was never permanently assigned to an overseas shore-based unit or to a cutter permanently assigned overseas—other than the CGC Glover for which he received the Restricted Service Ribbon—and so this request should be denied.

6. The applicant argued that his DD 214 should be corrected to show that he received a Sea Service Ribbon. The applicant served aboard several cutters and accumulated more than 12 months of sea duty, and the Coast Guard recommended granting this request. However, this ribbon was authorized in 1984 and, unlike the Overseas Service Ribbon, was not made retroactive. Because the applicant was discharged before 1984, the Board finds that he is not entitled to the Sea Service Ribbon.

7. The applicant requested that his DD 214 be corrected to show that he received a Navy Unit Commendation Ribbon for his service in Vietnam. The Board finds that he is eligible to receive the ribbon with one bronze star because the record shows that he served aboard the CGC Point Glover from November 28, 1968, to September 25, 1969, and Enclosure 6 to the Medals and Awards Manual shows that the CGC Point Glover was awarded this ribbon twice, for the periods from June 1, 1968, to December 31, 1968, as part of Division 13, and from January 1, 1969, to June 30, 1969, as part of Division 12. SECNAVINST 1650.1H states that a bronze star is appended to the ribbon to reflect a second award of the medal. The applicant was aboard the cutter for both periods and so is eligible to receive the Navy Unit Commendation with one bronze star denoting the second award. Moreover, his record contains an award citation from the Secretary of the Navy which states that the Navy Unit Commendation was being awarded to the Division 12 of the Coast Guard, to which the CGC Point Glover was assigned, for its participation in combat operations in Southeast Asia from July 1, 1968, to June 30, 1969.

8. The applicant requested that his DD 214 be corrected to show that he was awarded the Navy Meritorious Unit Commendation Ribbon. The Board finds that he is not eligible for this award because the record shows that he served aboard the CGC Point Glover from November 28, 1968, to September 25, 1969, and Enclosure 8 of the Medals and Awards Manual states that the medal was only available to the crew of the CGC Point Glover for service from December 19, 1969, to February 14, 1970.

9. After completing a review of the applicant's military records, PSC determined that his DD 214 is missing two medals that he did not request on his application to the BCMR. PSC determined that he was eligible for the Republic of Vietnam Meritorious Unit Citation Gallantry Cross Ribbon with Palm and the Republic of Vietnam Meritorious Unit Citation Civil

Action First Class Color Ribbon with Palm. The Board agrees. The applicant became eligible for both of these awards because he served in Vietnam from April 25, 1967, to December 8, 1969, and Enclosure 16 to the Coast Guard Medals and Awards Manual states that these two awards are given to Naval Forces Vietnam and all subordinate units that served in Vietnam during that period. PSC also recommended that the applicant's record be corrected to show that he is eligible for three bronze stars on his Vietnam Service Medal, instead of just one. The Board agrees that according to the list of eligible operations in Enclosure 16 to the manual, the applicant is entitled to wear a Vietnam Service Medal with three bronze stars.

10. The applicant did not ask the Board to add a Good Conduct Medal to his DD 214, nor did the Coast Guard recommend doing so following their review of his record. However, the Board finds that his record should be corrected to show that he earned the GCM. Enclosure 11 to the Medals and Awards Manual states that to receive a GCM from November 1, 1963, through December 31, 1979, a member had to complete four consecutive years of active duty with no NJP, misconduct, no civil conviction for offense involving moral turpitude, and minimum marks of 3.0 for proficiency, leadership, and conduct (on a 4.0 scale). Although the applicant completed slightly less than four years of active duty, Enclosure 11 to the Medals and Awards Manual states that members discharged between July 14, 1965, and December 31, 1979, could receive the GCM if they were discharged within three months of the four-year mark pursuant to Articles 1.B.7. or 1.B.8. of the Military Separations Manual. That manual was issued in 2011, but the articles cited concern early administrative discharges for innocuous purposes, such as to attend school. The record shows that the applicant met the criteria for a GCM because he earned final average marks of 3.39 in proficiency, 3.30 in leadership, and a 4.0 in conduct during his service, and there is no evidence that he was discharged early because of any misconduct. Moreover, the applicant's record contains a Record of Discharge form stating that he had earned a GCM, and he also submitted an October 1, 1971, letter from the Commandant which states that he is eligible for a GCM. Therefore, the Board finds that the applicant is eligible for and should be awarded the GCM.

11. The Board finds that the applicant's request for an Overseas Service Ribbon, a Sea Service Ribbon, and a Navy Meritorious Unit Commendation Ribbon should be denied. However, the preponderance of the evidence shows that his DD 214 does not accurately reflect all of the medals and awards he received or is eligible to receive. Specifically, his DD 214 should be corrected to show that he received the Republic of Vietnam Meritorious Unit Citation Gallantry Cross Ribbon with Palm; the Republic of Vietnam Meritorious Unit Citation Civil Action First Class Color Ribbon with Palm; the Vietnam Service Medal with three bronze stars; the Navy Unit Commendation with one bronze star; and a Good Conduct Medal. All other requests should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former [REDACTED] USCG, for correction of his military record is granted in part. His DD 214 shall be corrected to show that he received the following awards:

1. Republic of Vietnam Meritorious Unit Citation Gallantry Cross Ribbon with Palm
2. Republic of Vietnam Meritorious Unit Citation Civil Action First Class Color Ribbon with Palm
3. Vietnam Service Medal with three bronze stars
4. Navy Unit Commendation with one bronze star
5. Good Conduct Medal

All other requests are denied.

July 28, 2017

