

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve on July 3, 1967, and was discharged on July 2, 1973. His record contains his DD 214 documenting his initial active duty training period in the Coast Guard Reserve from July 3, 1967, to December 1, 1967 (4 months, 29 days). Block 24, which lists all medals and awards awarded or authorized during that period of active service shows “none.”

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 4.A. of COMDTINST M1650.25E, the Coast Guard Medals and Awards Manual, states that the NDSM is awarded to personnel who perform Honorable active service as a member of the Armed Forces for any period (inclusive) from June 27, 1950, to July 28, 1954; from January 1, 1961, to August 14, 1974; from August 2, 1990, to November 30, 1995; or from September 12, 2001, to a date to be determined by the Secretary of Defense.

VIEWS OF THE COAST GUARD

On August 4, 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). The PSC argued that partial relief should be granted because although his request is untimely, his record does contain an error which should be corrected.

The PSC recommended that the applicant’s DD 214 be corrected by adding the NDSM because he served from July 3, 1967, to December 1, 1967, and COMDTINST M1650.25 states that the NDSM is awarded to members who completed honorable service from January 1, 1961, to August 14, 1974.

The PSC recommended that the Board deny the applicant’s request to have his pistol qualification added to his DD 214. PSC noted that he qualified as an expert shot with the pistol on June 30, 1971, and is eligible to receive the Expert Pistol Shot Medal, but that he qualified for the medal after the separation date on his DD 214.

The PSC also recommended that the applicant’s request to have his July 15, 1971, letter of commendable service added to his DD 214 be denied. The PSC argued that relief should be denied because a letter of commendable service is not an authorized award in the Medals and Awards Manual and should not be listed on the applicant’s DD 214.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On August 14, 2017, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. He responded on September 11, 2017, and concurred with the Coast Guard's recommendation. He also asked the Coast Guard to prepare and send him a statement of creditable service (SOCS) reflecting his boot camp training, active duty time, monthly drills, and medals received during his six years in the Coast Guard Reserve.

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.¹ The applicant received his DD 214 on December 1, 1967, when he was released from active duty from training, knew its contents at the time, and knew that he later received awards and a letter not listed on the DD 214. The preponderance of the evidence shows that the applicant knew of the alleged errors in his record no later than his discharge from the Reserve in 1973. Therefore, 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.² 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”³ 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.”⁴

3. The applicant did not explain why he waited so long to seek correction of his record, but because the Coast Guard has identified a clear omission 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 is erroneous and unjust because it does not list the NDSM, his expert pistol shot medal, or his letter of commendable service. In considering allegations of error and injustice, 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).

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

² 10 U.S.C. § 1552(b).

³ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁴ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

5. The applicant argued that his DD 214 should be corrected to show that he earned the NDSM. The Board finds that he is eligible for the NDSM because he served during the period for which the medal is authorized and it should be listed on his DD 214. The record shows that the applicant served honorably from July 3, 1967, to December 1, 1967, and Chapter 4.A. of the Medals and Awards Manual states that the NDSM is awarded to members for honorable active service as a member of the Armed Forces for any period (inclusive) from June 27, 1950, to July 28, 1954; from January 1, 1961, to August 14, 1974; from August 2, 1990, to November 30, 1995; or from September 12, 2001, to a date to be determined by the Secretary of Defense.

6. The applicant also asked the Board to correct his DD 214 to show that he qualified as an expert with the pistol, and he submitted a letter showing that he qualified as an expert with the pistol on June 30, 1971. The Board finds that his DD 214 should not be corrected to include his pistol qualification because his DD 214 documents his active service from July 3, 1967, to December 1, 1967, and he did not qualify with the pistol until 1971. Chapter 1.D.2 of the Commandant's instructions for completing the DD 214 provides that the DD 214 must be accurate as of the date of separation, and so his DD 214 should not reflect the pistol qualification because he qualified with the pistol after his separation from active duty.

7. Additionally, the applicant asked the Board to correct his DD 214 to include the letter of commendable service that he received on July 15, 1971. He submitted a copy of the letter and the Board notes that it is not listed on his DD 214. The Board finds that the letter should not be listed on the applicant's DD 214 because the Commandant's instructions for completing the DD 214 does not state that letters of commendable service are to be listed on the DD 214. It 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," but letters of commendable service are not included in the instructions. In addition, letters of commendable service are not listed in the Coast Guard Medals and Awards Manual.

8. Finally, the applicant asked the Coast Guard to prepare and send him a statement of creditable service (SOCS). The Board finds that the applicant should receive an SOCS or other documentation verifying all periods of his active and inactive service.

9. Accordingly, the applicant's DD 214 dated December 1, 1967, should be corrected to show that he received the National Defense Service Medal, and the Coast Guard should prepare and send him documentation of his creditable service. 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 dated December 1, 1967, shall be corrected to show that he is entitled to wear the National Defense Service Medal. The Coast Guard shall prepare and send him a statement or letter documenting all of his active and inactive service. All other requests are denied.

October 19, 2017

