

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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2017-147**

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██████████

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**FINAL DECISION**

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the applicant's completed application on April 17, 2017, 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 December 1, 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 ██████████ who served on active duty and in the Coast Guard Reserve, asked the Board to add the following information to his DD 214:

1. Expert rifle shot medal
2. Expert pistol shot medal
3. Completion of Machinery Technician School

In support of his application, he submitted a copy of a DD 214, and none of the requested medals or information about MK school are listed on the form. He also submitted copies of the following documents:

- A certificate from the Coast Guard Reserve Training Center showing that he completed a two-week active duty training course called "Machinery Technician Basic" on January 12, 1979;
- A January 4, 1987, letter and a Page 7 from the commanding officer (CO) of the USCG Reserve Unit Station Great Egg, to the applicant, which states that he had earned the Coast Guard Unit Commendation Ribbon;
- A January 24, 1997, letter from the CO to the applicant congratulating him on earning the Expert Rifleman Award; and

- A Personnel Action form dated September 18, 1986, showing that he had qualified with the pistol, rifle, and shotgun.

The applicant did not state when he discovered the error or why he waited more than thirty years to submit an application to the Board. But, he stated that the Board should find it in the interest of justice to consider his application because he is now 66 years old and would like his record corrected.

### **SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on July 16, 1973, and was released from active duty on July 7, 1977. His record contains a DD 214 documenting his active service, and Block 26, which is supposed to show all medals and awards awarded or authorized during that period of active service, shows that he earned the National Defense Service Medal and a Coast Guard Good Conduct Medal.

The applicant's records also show that he completed Machinery Technician Basic training at the Reserve Training Center on January 12, 1979, after his release from active duty. And he received a Unit Commendation Ribbon in 1986.

### **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."

### **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 deny relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC). PSC stated that the applicant's requests should be denied due to their untimeliness and because he earned the awards and completed the training in question after his DD 214 was issued when he was discharged from active duty in 1977.

### **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 thirty 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.<sup>1</sup> The applicant received his DD 214 on July 15, 1977, when he was released from active duty, knew of its contents at the time, and knew that he later received awards and MK training that are not listed on his 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 and so 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.<sup>2</sup> In *Allen v. Card*, 799 F. Supp. 158 (D.D.C. 1992), the court stated that the Board should not deny an application for untimeliness without “analyz[ing] both the reasons for the delay and the potential merits of the claim based on a cursory review”<sup>3</sup> to determine whether the interest of justice supports a waiver of the statute of limitations. The court noted that “the longer the delay has been and the weaker the reasons are for the delay, the more compelling the merits would need to be to justify a full review.”<sup>4</sup>

3. The applicant did not justify his long delay in seeking correction of his DD 214, and the record shows that his requests lack merit because the awards and training he wants added to his DD 214 occurred after his release from active duty in 1977. Chapter 1.D.2 of the Commandant's instruction for completing the DD 214 provides that it must be accurate as of the date of issuance, and there is no provision for updating DD 214s to reflect subsequent military service, training, or awards.

4. Accordingly, the applicant's original request should be denied due to its untimeliness, but he also asked the Board for a statement of service reflecting his Reserve service. Because veterans are entitled to documentation of their military service, including their Reserve service, the Board finds that the Coast Guard should issue the applicant a statement or letter of service reflecting both his active and inactive duty. The Board notes that the applicant already has proper documentation of the awards and training he received as a reservist because he submitted that documentation to the Board with his application.

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

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

<sup>2</sup> 10 U.S.C. § 1552(b).

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

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

**ORDER**

The application of former [REDACTED] USCGR, for correction of his military record is granted in part. The Coast Guard shall issue him a statement or letter verifying his total military service, including his active and inactive duty. All other requests for relief are denied.

December 1, 2017

