

**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. 2017-162**

 SR (former)

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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 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 January 12, 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 recruit (SR) who served on active duty from April 24, 1970, to March 17, 1972,<sup>1</sup> asked the Board to correct his DD 214<sup>2</sup> documenting his active duty to show that he received the Coast Guard Sea Service Ribbon. He argued that he is eligible to receive the ribbon because his DD 214 shows that he completed one year and nine months of sea service during his enlistment. The applicant did not state when he discovered the alleged error in his record nor did he state why the Board should find it in the interest of justice to consider his application.

In support of his application, the applicant submitted a copy of his DD 214 which shows that the only decoration, medal, or badge that he received during his enlistment was the National Defense Service Medal.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard April 24, 1970, completed recruit training on June 26, 1970, and served aboard the CGC Ingham and the CGC Conifer for a total of one year,

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<sup>1</sup> The applicant served for 1 year, 9 months, and 15 days.

<sup>2</sup> 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.

one month, and eleven days of sea service. He was discharged “under honorable conditions” on March 17, 1972.

### **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.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.

### **VIEWS OF THE COAST GUARD**

On October 17, 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 argued that relief should be denied because the application is untimely. Regarding the merits of the case, PSC argued that relief should be denied because the applicant was discharged in 1972 and that the Sea Service Ribbon was not authorized until 1984. PSC noted that according to Enclosure (1) of the Medals and Awards Manual, the Coast Guard Sea Service Ribbon was not authorized until March 3, 1984, and the awards manual does not state that it can be awarded retroactively.

### **APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On November 21, 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,<sup>3</sup> which is the applicant’s lack of an award for his sea service. The applicant was discharged and received his DD 214 showing no such award on March 17, 1972, and the Sea

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

Service Ribbon was authorized in 1984. Therefore, the preponderance of the evidence shows that the 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>4</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>5</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>6</sup>

3. The applicant did not explain or justify why he waited about 45 years after his discharge and more than 32 years after the Sea Service Ribbon was authorized to seek an award for his sea service. Therefore, the Board finds that he failed to show that anything prevented him from seeking correction of the alleged error or injustice more promptly.

4. The applicant alleged that he is eligible to receive a Sea Service Ribbon and that it should be added to his DD 214. However, the Board’s cursory review of the merits of this case indicates that his claim cannot prevail. The record shows that the applicant served aboard two different cutters and accumulated more than 12 months of sea duty, but the Sea Service Ribbon was not authorized until 1984 and, unlike some other awards, was not made retroactive. His DD 214 is presumptively correct,<sup>7</sup> and there is no evidence showing that the applicant met the requirements for the Sea Service Ribbon after it was authorized in 1984.

5. Accordingly, the Board will not excuse the application’s untimeliness or waive the statute of limitations. The applicant’s request should be denied.

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

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<sup>4</sup> 10 U.S.C. § 1552(b).

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

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

<sup>7</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 SR [REDACTED], USCG, for correction of his military record is denied.

January 12, 2018

