

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-045



FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 425. The Chair docketed the case after receiving the completed application on December 1, 2017, and assigned it to staff attorney [REDACTED] to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated August 23, 2018, 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 Aviation Electronics Technician who was released from active duty on March 9, 1986, asked the Board to correct his DD 214¹ to reflect the following:

- Include "Operation Urgent Fury" during applicant's service in Florida;
- Add Armed Forces Expeditionary Medal;
- Add USCG Certificate of Training Boating Safety, completed on March 25, 1982;
- Add USCG Avionicsman Aircrewman certificate dated March 27, 1984;
- Add USCG Search and Rescue Aircrewman certificate dated March 27, 1984;
- Add USCG Recruit Training Center Alameda, California, Special Recognition Award Recruit Company Commander dated January 17, 1982;
- Add USCG 1982 Advanced Firearms Training;
- USCG Plank Owner CG Cape Corwin; and
- "More certifications [he] would like for [the Board] to research [his] service record and add."

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

In support of his application, the applicant stated the following:

I reported for active duty to USCG Air Station Clearwater in October 1983 and was discharged on March 1986. The Invasion of Grenada Operation Urgent Fury date: Start date: Oct 25, 1983, End date: Dec 15, 1983. USCG Air Station Clearwater provided support and was awarded Armed Forces expeditionary Medal as well as the Coast Guard Meritorious Unit Commendation for its continual support efforts. I was serving active duty as an Avionics Technician at Air Stations Clearwater during Operation Urgent Fury – The Grenada rescue mission, that was awarded the Armed Forces Expeditionary Medal for its support of the invasion as well as the Coast Guard Meritorious Unit Commendation for its continual support efforts.

The applicant stated that he discovered the alleged errors in his record on March 10, 2017, but did not provide an explanation for the delay in discovery or filing his application to the Board. He also provided several documents in support of his application, which are described in the Summary of the Record below.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on March 9, 1986. On January 27, 1982, the applicant received a Special Recognition Award from a Coast Guard Training Center for “accomplishments beyond those required for the completion of Basic Training.”

On March 25, 1982, the applicant received a Coast Guard Training certificate for completing a course in Boating Safety.

On September 14, 1983, the applicant received a Coast Guard certificate for completing Aviation Electronics Technician ‘A’ School.

On March 27, 1984, the applicant received two certificates. One states that he fulfilled the requirements to be designated as an “avionicsman aircrewman.” The other states that he fulfilled the requirements to be designated as an “ACH3AV SAR [Search and Rescue] aircrewman.” Both certificates noted that he qualified on a certain type of helicopter.

On March 28, 1984, the applicant received a letter designating him as a Search and Rescue Aircrewman Avionicsman upon his successful completion of the qualification syllabus. He was designated only for the type of aircraft (the same helicopter as noted in the certificates) indicated in the letter. He was informed that his designation would lapse if he failed to maintain his flight status and training requirements. He became authorized to wear the Aircrewman Insignia.

On June 1, 1984, the applicant received a certificate for completing a course in “AN/ARC 513” from the Coast Guard Aviation Technical Training Center.

On March 29, 1985, the applicant’s unit received a citation for a Coast Guard Meritorious Unit Commendation for meritorious service from May 30, 1983, to September 30, 1984, for “operational missions” including providing aircraft for search and rescue support of operation “Urgent Fury.”

On October 29, 1985, Air Station Clearwater received a letter of appreciation for providing assistance “during testing of a potential shipboard electrical power unit.” The applicant and a few other members were particularly thanked by name.

The applicant was released from active duty into the Reserve on March 9, 1986. He had served four years and four months of active duty. The following medals and decorations are listed in Block 13 on his DD 214:

- Coast Guard Rifle Marksmanship Ribbon;
- Coast Guard Pistol Marksmanship Ribbon;
- Coast Guard Unit Commendation With “O” Device for period October 31, 1984, to December 31, 1984;
- Good Conduct Medal for period ending November 9, 1984;
- Coast Guard Meritorious Unit Commendation with “O” Device for period May 30, 1983, to September 30, 1983.

The following are listed in Block 14, the Military Education block:

- Shipboard Firefighting, two days, 1982;
- Damage Control General, three days, 1982;
- Curb 60 & Firing Range, one day, 1982;
- AT “A” School, twenty-eight Weeks, 1983;
- AN/ARC 513, twenty days, 1984;
- Coast Guard Institute Courses:
 - MRN3 Completed December 27, 1982;
 - ACH3AV; ED 2 Completed February 29, 1984; and
 - AT2: ED 5 Completed June 20, 1984.

VIEWS OF THE COAST GUARD

On April 19, 2018, the Judge Advocate General of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case. In doing so, he adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC stated that the application is not timely and therefore should not be considered beyond a cursory review. PSC asserted that the applicant’s DD 214 lists all of his earned honors, awards, and military education or in-service training courses. PSC argued that the Recruit Training Center Alameda Special Recognition Certificate may not be entered on a DD 214 because it is not one of the official awards listed in the Medals and Awards Manual, COMDTINST M1650.25. PSC also

stated that the following are not authorized to be entered in Block 14 on a DD 214 because they are not considered formal schools or training courses: Certificate of Boating Safety; USCG Avionicsman Aircrewman; Search and Rescue Aircrewman; and Advanced Firearms Training.

PSC also stated that the Armed Forces Expeditionary Medal was not authorized for Air Station Clearwater in accordance with the Military Medals and Awards Manual. There is also no mention of an Operation Urgent Fury in the Manual. However, PSC reviewed the applicant's file and found a Coast Guard Meritorious Unit Commendation award which mentioned Operation Urgent Fury, but noted that this award has already been entered on the applicant's DD 214. Therefore, PSC recommended that the Board deny the applicant's request for relief.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 30, 2018, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. No response was received.

APPLICABLE REGULATIONS

The Coast Guard Military Medals and Awards Manual, COMDTINST M1650.25 (series), Article 5.A.7.a. states that the Armed Forces Expeditionary Medal may be awarded to members who participated in military units in a military operation "in which, in the opinion of the Joint Chiefs of Staff, personnel of any military department participate in significant numbers" and encounter "foreign armed opposition, or are otherwise placed, or have been placed, in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces was imminent even though it did not materialize." The Air Station Clearwater is not listed as eligible for receiving this medal.

The Certificate of Release or Discharge from Active Duty manual, COMDTINST M1900.4B, discusses block-by-block what entries are to be made on the DD 214. In Block 13, the manual states that all "decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service." (Emphasis in original). For Block 14, the manual states that in order to assist members in employment placement, "formal in-service training courses successfully completed during the period of service covered by the form will be in this block; e.g., medical and dental, electronics, supply administration, personnel, or heavy equipment operations. Enter all course titles, number of weeks, and year completed."

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.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.² The applicant was released from active duty in 1986 and

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

received and signed his DD 214 at the time. Therefore, the preponderance of the evidence shows that the applicant knew of the alleged error in his record in 1986, and his application is untimely.

3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.³ 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”⁴ 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.”⁵

4. Regarding the delay of his application, the applicant stated that he discovered the alleged error on March 10, 2017, but provided no reason. The Board finds that the applicant’s explanation for his delay is not compelling because he failed to show that anything prevented him from seeking correction of the alleged error or injustice more promptly.

5. A cursory review of the merits of this case indicates that his claim cannot prevail. The record contains no evidence that substantiates the applicant’s allegations of error or injustice in his official military record, which is presumptively correct.⁶ The applicant’s unit is not listed in the Coast Guard Military Medals and Awards Manual as eligible for the Armed Forces Expeditionary Medal for any period, and the applicant is therefore not eligible for this medal.⁷ The other items the applicant requested to be added to his DD 214 are not authorized to be included in Block 14 with Military Education or any other Block of the DD 214.⁸ The Board has reviewed his military record for any other awards or education that were not properly included on his DD 214 and did not find any. Based on the record before it, the Board finds that the applicant’s claim cannot prevail on the merits.

6. 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)

³ 10 U.S.C. § 1552(b).

⁴ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁵ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

⁶ 33 C.F.R. § 52.24(b).

⁷ Coast Guard Military Medals and Awards Manual, COMDTINST M1650.25 (series), Article 5.A.7.a.

⁸ Certificate of Release or Discharge from Active Duty manual, COMDTINST M1900.4B.

ORDER

The application of former [REDACTED] USCG, for correction of his military record is denied.

August 23, 2018

