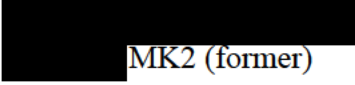



**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-104

 MK2 (former)

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 March 6, 2018, 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 February 15, 2019, 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 served on active duty in the Coast Guard as a machinery technician from October 15, 1973, to October 14, 1977, and he asked the Board to correct his DD 214¹ and his military records to show that he received the following:

1. Honorable Discharge Certificate
2. Sea Service Ribbon
3. Cutterman Pin
4. Arctic Circle Ribbon²
5. Coast Guard "E" Ribbon
6. Rifle and Pistol Marksmanship Ribbons
7. Good Conduct Medal (GCM)
8. Certification as a Boarding Safety Officer
9. Honorable Discharge Button

¹ 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.

² The Coast Guard Medals and Awards Manual contains an Arctic Service Medal but not an Arctic Circle Ribbon. Chapter 5.A.6. of the Coast Guard Medals and Awards Manual.

The applicant stated that he received a copy of his military records from the National Personnel Records Center (NPRC) and they do not reflect his honorable discharge from the Coast Guard. He also argued that his two years of service aboard the CGC Midgett makes him eligible to receive the Sea Service Ribbon, the Cutterman's enlisted pin, and the Arctic Service Ribbon. He also stated that his record should be corrected to show that he was trained and certified as a Federal Boarding Officer at BOSTEAM 12 in the 12th Coast Guard District.

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

- Copies of his DD 214 and an award entitlement summary from NPRC indicate that the only medal or award he earned during his Coast Guard service is the National Defense Service Medal.
- A Chronological Record of Service shows that he was attached to the CGC Midgett from May 11, 1974, to July 36, 1976, and assigned to CGBOSTEAM from August 16, 1976, to October 14, 1977.
- An Administrative Remarks page states that he is authorized to wear the Pistol and Rifle Marksmanship Ribbons with a Bronze S because he qualified as Sharpshooter on the Navy "P" Pistol course on December 18, 1973, and qualified as Sharpshooter at the National "A" Rifle Course on December 17, 1973.
- A Personnel Action form shows that he qualified as a Boating Safety Officer and truck driver effective November 4, 1976.
- An Administrative Remarks page shows that he received a GCM for the four-year period from October 14, 1973, to October 13, 1977. It also states that he was honorably discharged on October 14, 1977, and that he had completed more than two years of sea duty during his enlistment.

The applicant stated that he discovered the alleged errors in his record on July 1, 2017, and argued that the Board should find it in the interest of justice to consider his application because he conducts military funerals as a member of the Nevada Veterans Coalition and wants to have proof of his military awards.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on October 15, 1973, and served aboard the CGC Midgett (based in Alameda, California) from May 11, 1974, to July 26, 1976. He served out the remainder of his enlistment at BOSTEAM 12. His DD 214 states that he was released into the Reserve on October 14, 1977, with an honorable character of service. Block 27 states, "No Discharge Certificate Issued at Time of Separation." Block 26 shows that he had received the National Defense Service Medal. There is no block on the DD 214 for listing education or qualifications.

A letter dated October 31, 1977, states that the applicant had been released from active

duty into the Ready Reserve and was assigned to Training Category I, which “does not require you to participate.”

The applicant’s record contains an Administrative Remarks page which stated that he was authorized his first Good Conduct Award for the four year period from October 14, 1973, to October 13, 1977, having earned final marks of 3.6 for proficiency; 3.6 for leadership; and 4.0 for conduct. It also states that he had completed a total of 2 years, 2 months, and 16 days of sea duty. The applicant’s record also contains the original copy of the Administrative Remarks page the he submitted with his application, which states that he qualified as a sharpshooter with the pistol and rifle and was authorized to wear the Pistol and Rifle Marksmanship Ribbons with a Bronze S.

The applicant’s record contains an undated Administrative Remarks page which states that the applicant had crossed the 180th Meridian while aboard the CGC Midgett for an Alaskan Fisheries Patrol and had been initiated into the Royal Order of the Golden Dragon, which is a shipboard tradition for sailors when they first cross the International Date Line. There is nothing in his record to show that he received a Blue Nose certificate, which is a shipboard tradition for sailors when they first cross the Arctic Circle.

Two Achievement Sheets in the applicant’s record show that he completed the following service schools:

- MK “A” School for 16 weeks;
- Woodard Governor Maintenance School for 3 days;
- Fairbanks Morse Maintenance School for 4 days; and
- National Boating Safety School for 6 weeks.

APPLICABLE LAW AND REGULATIONS

COMDTINST M1900.4A contains the Commandant’s instructions for completing the DD 214 in 1977, and states that Block 26 of the form should show “all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized during the current tour of active service.”

Paragraph 7 of the DD 214 instruction manual states that block 27 (Remarks) shall include only those formal in-service training courses successfully completed during the period of service covered by that DD 214. Training courses for combat skills are not to be listed.

Chapter 5.A.19. of the Coast Guard Medals and Awards 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.

Enclosure 11 to the 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).

Chapter 5.A.6. of the manual states that the Arctic Service Medal is awarded to members who complete a deployment upon a ship for which the medal was authorized. Enclosure 14 to the manual lists all of the Coast Guard cutters eligible to receive the medal and the periods for which they received it. The CGC Midgett is not included on the list.

Chapter 3.B.8. of the manual states that the Coast Guard “E” Ribbon may be awarded by area commanders to cutter personnel earning the overall operational readiness “E” award during Tailored Annual Cutter Training (TACT). Enclosure 10 to the manual lists all of the cutters eligible to receive the Coast Guard “E” Ribbon and while the CGC Midgett is on the list, it is not for the period during which the applicant served aboard the Midgett. Chapter 3.B.8. also states that requests by members who served aboard units not listed in Enclosure 10 must be forwarded to CG PSC-PSD for eligibility determination. Approval of the award is based on the supporting documentation accompanying the request, including letters of appreciation; personal award citations; service record entries; ships’ logs; or any other conclusive evidence that a unit achieved an overall operational readiness “E” award and that the member was assigned to that unit during the designated TACT period.

Chapter 7.E. of COMDTINST M1000.3., the Cutter Training and Qualification Manual, states that enlisted members and officers are temporarily entitled to wear a Cutterman Insignia while assigned to sea duty after completing six months of sea duty. To be entitled to wear the insignia permanently, the member must have performed at least five years of sea service.

VIEWS OF THE COAST GUARD

On August 13, 2018, an attorney from the office of 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 the applicant’s request is untimely, there are several awards and medals for which he is eligible that are not listed on his DD 214.

Ribbons/Medals Requested by Applicant

- **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 he is eligible for the ribbon because his record indicates that he completed a minimum of 12 months of cumulative sea duty aboard the CGC Midgett and is eligible for the medal pursuant to Chapter 5.A.19 of the Medals and Awards Manual, which states that the ribbon is awarded to members satisfactorily complete a minimum of 12 months

cumulative sea duty. PSC stated that the applicant did not receive this medal because it was not authorized until March 4, 1984, after he was discharged, but it “recommends issuance of this award as retroactive.”

- **Arctic Service Ribbon and Coast Guard “E” Ribbon:** PSC argued that the applicant is not eligible to receive the Arctic Service Ribbon or the “E” Ribbon because the USCGC Midgett is not listed as being authorized either award in the Medals and Awards Manual for the period that the applicant served on that cutter.
- **Pistol and Rifle Marksmanship Ribbons:** PSC recommended that the applicant’s DD 214 be corrected to show that he received the Pistol and Rifle Marksmanship Ribbons with a bronze “S” because his record contains a December 20, 1976, Administrative Remarks form indicating that he qualified as a sharpshooter with the pistol and the rifle.
- **Good Conduct Medal:** PSC recommended that the applicant’s DD 214 be corrected to show that he earned a Good Conduct Medal.
- **Permanent Cutterman’s Pin:** PSC argued that the applicant did not earn a permanent Cutterman’s Pin because he did not serve at least five years of sea duty as required by Chapter 7.E of the Cutter Training and Qualification Manual.

Other Corrections Requested by Applicant

- **Boating Safety Officer Qualification:** PSC stated that the applicant’s record shows that he qualified as a Boating Safety Officer but it should not be added to his DD 214 because it is a competency and not a training course. PSC noted that according to PCSINST 1900.1A, only courses of instruction are entered on the DD 214. However, PSC noted that the applicant attended National Boating Safety School in Yorktown, Virginia for six weeks and recommended that this course of instruction be added to his DD 214 along with the other courses of instruction listed under Section 3, Record of Service Schools Attended, on his Achievement Sheets.
- **Honorable Discharge Certificate:** PSC stated that it was difficult to locate a DD 214 Manual from the era in which the applicant served but under current policy he would not be eligible to receive a discharge certificate when he left active duty because he was not discharged but released from active duty into the Reserve on October 13, 1977. PSC noted that his DD 214 states that he was released from active duty (RELAD) to fulfill his remaining service obligation, which means that he would not be entitled to a discharge certificate at the time of separation. PSC added that a Coast Guard Discharge Button would not have been issued at the time of RELAD because he was not discharged from the Coast Guard Reserve until October 14, 1979.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On August 31, 2018, the BCMR sent the applicant a copy of the Coast Guard’s views and invited him to respond within 30 days. The applicant responded on September 18, 2018, and

disagreed with the Coast Guard's recommendation that only partial relief be granted. He agreed with the Coast Guard's recommendation that he receive the Sea Service Ribbon; National Defense Service Medal; Sharpshooter Ribbons; and a Good Conduct Award. However, the applicant argued that he should receive the Excellence "E" Award because it was given to the crew of the Midgett for outstanding performance while assigned to REFTRA in 1975 and 1976. He stated that he specifically remembers being told to paint an "E" on the ship to display the award.

The applicant also disagreed with the Coast Guard's recommendation that he should not receive the Arctic Service Medal. He stated that he completed five ALPATS (Alaskan patrols) during his time on the Midgett, performed countless months of duty in the Bering Sea, and was personally involved in providing MEDIVAC services on St. Paul, St. George, and the Nunivak Islands. He stated that he "truly earned his Golden Dragon and Bluenose certificates." The applicant also alleged that he helped transport personnel who were mapping active volcanoes west of the 180th Parallel and provided transport of an Alaskan State biologist who was assigned to the Pribilof Islands for wildlife counts.

The applicant disagreed with the Coast Guard that the Boarding Officer Award should not be included on his DD 214. He submitted a letter from retired CWO3 K who stated that the applicant did in fact serve as a Federal Boarding Officer at BOSTEAM 12.

Finally, the applicant stated that he would like a new DD 214 reflecting his honorable discharge and would like new Golden Dragon and Bluenose certificates as well. He stated that it is important to him because as a volunteer for the Nevada Veterans Coalition he wants to wear the awards that he rightfully earned and be able to prove that he earned them.

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 released from active duty and received his DD 214 on October 14, 1977, 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.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

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).

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 is erroneous because it does not list several ribbons/medals that he should have received, show that he received a discharge certificate and discharge button, or show that he was a Boarding Officer. 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 a Sea Service Ribbon. The applicant served aboard the CGC Midgett and performed 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, for example, it was not authorized to be awarded retroactively. Because the applicant completed his military service before 1984, the Board finds that he is not eligible for the Sea Service Ribbon.

6. The applicant also asked the Board to correct his record to show that he is eligible to receive a Cutterman’s Pin. Although there is no such medal authorized by the Coast Guard, there is a Cutterman’s Insignia. But to be entitled to wear the insignia permanently, a member must have performed a total of 5 years (60 months) of sea duty. COMDTINST M1000.3. The record shows that the applicant performed 26 months of sea duty, which does not entitle him to wear the Cutterman’s Insignia permanently. Therefore, this request should be denied.

7. The applicant asked the Board to add the Arctic Service Medal to his DD 214 but PSC argued that the applicant is not eligible to receive the Arctic Service Ribbon because the USCGC Midgett is not listed as being authorized this award in the Medals and Awards Manual. His record shows that he served aboard the CGC Midgett from May 11, 1974, to July 26, 1976, and he alleged that the boat and its crew served a considerable amount of time in the Bering Sea supporting operations in the Arctic, and they visited St. Paul Island, which is one of the Pribilof Islands, and Nunivak Island. The Medals and Awards Manual states that this award was established in 1976 but could be awarded retroactively for service after January 1, 1946. To be eligible for this award for service aboard a cutter at that time, a member had to have served for at

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).

least 21 consecutive days either (a) aboard a Coast Guard unit north of the Arctic Circle (66.56 degrees latitude) during summer operations from May 1 to October 31 or (b) during winter operations from November 1 through April 30, aboard a vessel operating north of 60 degrees latitude in the Bering Sea, Davis Strait, or Denmark Strait. The Arctic Circle is north of the Bering Straits in the Arctic Ocean, and so the Bering Sea, where the CGC Midgett operated, is south of the Arctic Circle. Therefore, to be entitled to an Arctic Service Medal, the applicant would have to have served aboard the CGC Midgett north of 60 degrees latitude in the Bering Sea for 21 consecutive days in winter operations. Most of the Bering Sea, however, is south of 60 degrees North. The Aleutian Islands and St. Paul and the other Pribilof Islands are all south of 60 degrees North. The latitude of Nunivak Island is 60.095 degrees North, but there is no evidence that the CGC Midgett operated around and north of Nunivak Island for at least 21 consecutive days in the winter. Moreover, the CGC Midgett is not listed in Enclosure 10 of the Medals and Awards Manual as being authorized for the Arctic Service Medal. Therefore the applicant has not proven by a preponderance of the evidence that he is entitled to an Arctic Service Medal.

8. The applicant asked the Board to add the Excellence “E” Award to his DD 214 but PSC argued that the applicant is not eligible to receive it because the CGC Midgett is not listed as being authorized for the award in the Medals and Awards Manual. His record shows that he served aboard the CGC Midgett from May 11, 1974, to July 26, 1976, and the applicant alleged that the award was given to the crew of the Midgett for outstanding performance while assigned to REFTRA in 1975 and 1976. He stated that he specifically remembers being told to paint an “E” on the ship to display the award. The applicant’s military record is presumptively correct, however, and it contains no evidence that the applicant is entitled to wear this ribbon. Therefore, and because the Midgett is not listed as eligible for this award for the period that the applicant served aboard the cutter, this request should be denied.

9. The applicant asked the Board to add a GCM to his DD 214 and the Coast Guard stated that he is entitled to receive one. The Board agrees. 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 3.6 in proficiency, 3.6 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 an Administrative Remarks page which shows that he received a Good Conduct Award for the four-year period from October 14, 1973, to October 13, 1977. Therefore, the Board finds that the applicant’s DD 214 should be corrected to show that he was awarded the GCM.

10. The applicant asked the Board to correct his DD 214 to show that he was certified as a Boarding Officer and in his response to the Coast Guard's advisory opinion he provided a letter from a retired Chief Warrant Officer who stated that the applicant did in fact serve as a Federal Boarding Officer at BOSTEAM 12. The earliest DD 214 Manual available to the Board is COMDTINST M1900.4A, issued in 1977, and it states that Block 27 (Remarks) "shall include only those formal in-service training courses successfully completed during the period of service covered by that DD 214." The applicant submitted a Personnel Action form which shows that he qualified as a Boating Safety Officer on November 4, 1976, but this is a competency and not a training course and thus is not included on a member's DD 214. Accordingly, his request to have his Boarding Officer certification noted on his DD 214 and his request to have a Boarding Officer Award listed on his DD 214 should be denied. However, the applicant's Achievement Sheets show that he completed four service schools, which should be listed on his DD 214: MK "A" School (16 weeks); Woodard Governor Maintenance School (3 days); Fairbanks Morse Maintenance School (4 days); and National Boating Safety School (6 weeks). Therefore, his DD 214 should be corrected to show that he complete these service schools.

11. In his response to the Coast Guard's recommendations, the applicant asked the Board to provide him with new Golden Dragon and Blue Nose certificates. These are certificates traditionally given to the crewmembers of Navy and Coast Guard ships as seagoing traditions when the ships cross the International Date Line or the Arctic Circle. The Board must deny the applicant's request, however, because these certificates are not official documents and are not listed in the Medals and Awards Manual. In addition, there is no evidence in his record showing that he received a Blue Nose certificate for crossing the Arctic Circle.

12. The applicant asked the Board to correct his DD 214 to shows that he earned the Pistol and Rifle Marksmanship Ribbons. The record shows that on December 20, 1967, he qualified as a sharpshooter with the pistol and the rifle. Accordingly, his DD 214 should be corrected to show that he received a Pistol and Rifle Marksmanship ribbon with a bronze "S".

13. The applicant asked the Board to issue him an honorable discharge certificate and an honorable discharge button. The Medals and Awards Manual, COMDTINST M1650.25, does not include a button or award with this name. The applicant's DD 214 shows that in accordance with policy, he was not issued an honorable discharge certificate when he was released from active duty. He should have been mailed one when he was discharged from the Reserve when his military service obligation ended, but apparently he never received it. Therefore, the Board will direct the Coast Guard to send him an honorable discharge certificate marking his discharge from the military.

14. The Board finds that the applicant's request for a Sea Service Ribbon; Boarding Officer Award; Arctic Service Ribbon; "E" Ribbon; and permanent Cutterman's Insignia should be denied. However, his DD 214 should be corrected to show that he received the Rifle and Pistol Marksmanship Ribbons with an "S" and Good Conduct Medal, as well as the National Defense Service Medal. In addition, Block 27 (Remarks) should be corrected to show that he attended the service schools shown on his two Achievement Sheets: MK "A" School (16 weeks); Woodard Governor Maintenance School (3 days); Fairbanks Morse Maintenance School (4 days); and National Boating Safety School (6 weeks).

ORDER

The application of former MK2 [REDACTED] USCG, for correction of his military record is granted in part as follows:

The Coast Guard shall issue a DD 215 to correct his DD 214 to show that he received a Good Conduct Medal and the Rifle and Pistol Marksmanship Ribbons with an "S". In addition, Block 27 shall be corrected to show that he completed the following service schools: MK "A" School (16 weeks); Woodard Governor Maintenance School (3 days); Fairbanks Morse Maintenance School (4 days); and National Boating Safety School (6 weeks).

The Coast Guard shall also issue him an Honorable Discharge Certificate to show that he was honorably discharged from the Coast Guard when his military service ended.

All other requests are denied.

February 15, 2019

