

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-200

████████████████████
██████████ BMC (former)

FINAL DECISION

This is a proceeding under the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the applicant's completed application on August 30, 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 June 21, 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, a former Chief Boatswain's Mate (BMC) who was discharged from the Coast Guard on August 12, 2011, after serving nearly ten years on active duty, asked the Board to correct his DD 214 to show that he is entitled to wear two bronze stars on his Iraq Campaign Medal (ICM). He argued that he is entitled to the stars on his medal because he served in the designated area of eligibility during two campaigns for which the medal was awarded: National Resolution from December 16, 2005, to January 9, 2007, and Iraqi Surge from January 10, 2007, to December 31, 2008. He stated that the Medals and Awards Manual provides that the campaign stars are issued for one or more days of participation in each designated campaign phase.

The applicant indicated that at the time of his discharge, the "bronze stars for campaign phases had not been finalized," and so he did not discover the alleged error in his record until August 11, 2018.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on September 24, 2001. According to his military record, he served aboard the CGC ██████████ from May 2002 to April 2004 and aboard the CGC ██████████ from April 2004 to May 2006. Neither cutter entered the Persian Gulf while he was a crewmember.

From May 29, 2006, to June 27, 2007, the applicant served aboard the CGC ██████████

which was part of Patrol Forces Southwest Asia (PATFORSWA) in the Persian Gulf. This period included phases of the Iraq War known as the Iraqi Surge and National Resolution.

The applicant received numerous awards, ribbons and medals, during his career, including the Global War on Terrorism Medal (GWOTEM), which he was awarded on June 29, 2006, while serving aboard the [REDACTED]. The record before the Board does not indicate for which period of service he was awarded the GWOTEM.

The applicant was awarded the ICM by PATFORSWA on October 14, 2006, by which time he had left the [REDACTED] and was serving aboard the CGC [REDACTED] based in [REDACTED]. The record before the Board does not indicate for which period of service he was awarded the ICM.

The applicant was discharged from the Coast Guard on August 12, 2011, and the list of medals on his DD 214 includes the Global War on Terrorism Expeditionary Medal and the Iraq Campaign Medal.

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 1.B.10. of COMDTINST M1650.25D, the Coast Guard Medals and Awards Manual in effect from May 2008 until the applicant's discharge states, regarding "Dual Recognition," that "[o]nly one personal award will be given for the same act, achievement, or period of meritorious service for any individual, unit or Military Service."

Chapter 5.A.12. of the manual provides the following criteria for the ICM:

12. Iraq Campaign Medal (ICM). The ICM was established by Public Law 108-234, dated 28 May 2004, and Executive Order 13363 dated 29 November 2004.

a. General. Eligibility for this award began on 19 March 2003 and continues to a future date to be determined by the Secretary of Defense or the cessation of Operation IRAQI FREEDOM (OIF). The area of eligibility encompasses all land area of the country of Iraq, and the contiguous water area out to 12 nautical miles, and all air spaces above the land area of Iraq and above the contiguous water area out to 12 nautical miles.

b. Eligibility Requirements. Awarded to military personnel under the criteria below:

(1) Must have been assigned, attached, or mobilized to units participating in direct support of OIF.

(2) Must be bona fide members of a unit participating in or directly supporting the operation for 30 consecutive days in the area of eligibility (AOE) or for 60 non-consecutive days provided this support involves entering the operation's AOE or meets one or more of the following specific criteria:

(a) Be engaged in combat during an armed engagement, regardless of the time in the AOE.

(b) While participating in the operation or on official duties, is wounded or injured AND required medical evacuation from the AOE.

(c) While participating as a regularly assigned air crewmember flying sorties into, out of, within, or over the AOE in direct support of the military operations. Each day counts as one day of eligibility.

(3) Coast Guard members who earned the Global War on Terrorism Expeditionary Medal (GWOTEM) for service between 19 March 2003 and 30 April 2005 in an operation and area for which the ICM was subsequently authorized will remain qualified for the GWOTEM. A Coast Guard member meeting these conditions may request to be awarded the ICM in lieu of the GWOTEM. Requests will be prepared in memorandum format to the member's commanding officer (in the grade of O-6 or above) for verification of entitlement. The memorandum will be placed in the member's service record for documentation of the election. Requests to rescind the conversion will not be approved.

(4) Under no condition will personnel or units receive the ICM, GWOTEM, Afghanistan Campaign Medal or Armed Forces Expeditionary Medal for the same act, achievement or period of service.

c. Campaign Stars. The campaign star is a bronze or silver five-pointed star, 3/16-inch in diameter. The silver star is worn in lieu of five bronze campaign stars. One campaign star will be worn on the campaign ribbon or suspension ribbon of the ICM for one or more days of participation in each designated campaign phase. Designated ICM campaign phases and inclusive dates are:

- (1) Liberation of Iraq, 1 March 2003 – 1 May 2003;
- (2) Transition of Iraq, 2 May 2003 – 28 June 2004;
- (3) Iraqi Governance, 29 June 2004 – 15 December 2005;
- (4) National Resolution, 16 December 2005 to a date to be determined.

d. Manner of Wear. The ICM is worn immediately after the Afghanistan Campaign Medal. The ICM will be worn with at least one campaign star. Only one award is authorized for any individual; subsequent awards are not authorized.

Chapter 5.A.10.c. of the next edition of the Medals and Awards Manual, COMDTINST M1650.25E, issued in August 2016, authorizes ICM campaign stars for the following phases of the Iraq War:

- (1) Liberation of Iraq, 1 March 2003 – 1 May 2003;
- (2) Transition of Iraq, 2 May 2003 – 28 June 2004;
- (3) Iraqi Governance, 29 June 2004 – 15 December 2005;
- (4) National Resolution, 16 December 2005 – 9 January 2007;
- (5) Iraqi Surge, 10 January 2007 – 31 December 2008
- (6) Iraqi Sovereignty, 1 January 2009 – 31 August 2010; and
- (7) New Dawn, 1 September 2010 – 31 December 2011

Chapter 5.A.13. of the manual states that the GWOTEM was established by Executive Order in 2003 and that eligibility for this medal for service in Iraq terminated on April 30, 2005, when the ICM was authorized. The area of eligibility is limited to those personnel deployed abroad in Operation Enduring Freedom and Iraqi Freedom in specific geographic areas.

Chapter 5.A.13.b.(2) states that “members will not be entitled to more than one of the GWOTEM, Iraq Campaign Medal, Afghanistan Campaign Medal or Armed Forces Expeditionary Medal for the same act, achievement, or period of service. Only one campaign or expeditionary medal will be earned for a single deployment or tour.”

Chapter 5.A.13.d.(2) states that members “who elect to retain the GWOTEM for qualifying service in Afghanistan or Iraq prior to 1 May 2005 are eligible to earn the ACM or ICM, respectively, for subsequent deployments within the ACM or ICM area of eligibility. Under no circumstances will an individual be eligible for both medals for the same action, time period, or service.”

According to Enclosure 22 to the manual, the ICM takes precedence over the GWOTEM.

VIEWS OF THE COAST GUARD

On March 20, 2019, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant alternative relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC). PSC argued that alternative relief should be granted because although his request is untimely, his record does contain an error which should be corrected.

PSC stated that the applicant is eligible to receive two bronze stars on his ICM because he served in the Iraqi Surge and National Resolution campaign phases, both of which qualify for the ICM. Therefore, PSC recommended that a new DD 214 be created reflecting the addition of the two bronze stars on the ICM, but recommended that the applicant's GWOTEM be removed from his DD 214. PSC argued that although the GWOTEM is listed on the applicant's DD 214, he is not eligible for the medal because the eligibility period ended on April 30, 2005, with the authorization for the ICM, and the applicant served in Iraq from 2006 to 2007.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 2, 2019, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The Board 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 or injustice.¹ The applicant received and signed his DD 214 listing his medals and awards on August 12, 2011, when he was discharged from active duty. The applicant alleged that he did not know his DD 214 was erroneous at the time because the "bronze stars for campaign phases had not been finalized." He stated that he discovered the error in August 2018. Although by 2011 the Coast Guard may have issued ALCOASTs announcing eligibility for ICM campaign stars beyond those listed in COMDTINST M1650.25D, that manual was not reissued to show the second campaign for which the applicant is eligible for a campaign star until August 2016. Therefore, the Board finds that the preponderance of the evidence shows that the application is timely.

2. The applicant alleged that his DD 214 is erroneous and unjust because it does not show that he is entitled to wear the ICM with two bronze stars. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in the military record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or

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

unjust.² 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.”³

3. The preponderance of the evidence shows that the applicant is entitled to wear an ICM with two bronze stars reflecting two campaign phases. The record shows that the applicant served aboard the CGC [REDACTED] from May 29, 2006, to June 27, 2007, when the cutter was assigned to PATFORSWA and operating in the designated area of eligibility. The current Medals and Awards Manual shows that bronze stars were subsequently authorized for two phases of the campaign while the applicant was aboard the [REDACTED]: National Resolution from December 16, 2005, to January 9, 2007; and Iraqi Surge from January 10, 2007, to December 31, 2008. And he met the criteria by serving aboard the [REDACTED] for at least 30 consecutive days during each of those periods.

4. PSC recommended that the Board grant alternative relief by awarding the applicant the ICM with two bronze stars but removing the GWOTEM listed on his DD 214 because he served in Iraq from 2006 to 2007 but the eligibility period for the GWOTEM ended on April 30, 2005, with the authorization for the ICM. The applicant did not respond to the advisory opinion, and so his response to this recommendation is unknown.

5. The record shows that the applicant did not serve in the area of eligibility for the GWOTEM while it was authorized before April 30, 2005, but the command of the [REDACTED] awarded him the medal on June 29, 2006, after the authority to award the medal for service in the Persian Gulf had ended. The Board does not generally correct errors that are in an applicant’s favor⁴ and so would not normally remove a medal from an applicant’s DD 214 unless the applicant requested it. However, the GWOTEM could only have been awarded to the applicant for his service aboard the [REDACTED] during a period for which he is entitled to wear the ICM with two bronze stars. All of his time aboard the [REDACTED] falls within either the eligibility period for the National Resolution phase or the eligibility period for the Iraqi Surge phase. Therefore, if the applicant has two bronze stars on his ICM, as well as the GWOTEM, he will have two campaign medals for the same period of service. Such “dual recognition” with both an ICM and a GWOTEM is strongly and repeatedly prohibited by the Medals and Awards Manual.⁵ Therefore, the Board cannot award the applicant a second bronze star on his ICM without creating erroneous “dual recognition” unless the GWOTEM is removed.

6. The applicant requested the second bronze star on his ICM, and he did not respond (or object) to the Coast Guard’s recommendation that the Board grant that request but remove his GWOTEM. According to Enclosure 22 to the Medals and Awards Manual, the ICM takes precedence over the GWOTEM, so it may be more prestigious for the applicant to have an ICM with two bronze stars than an ICM with one bronze star and a GWOTEM. Therefore, to grant the applicant’s

² 33 C.F.R. § 52.24(b).

³ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

⁴ 10 U.S.C. § 1552(b) (requiring the applicant or his or her representative to request a correction); *see Friedman v. United States*, 141 Ct. Cl. 239, 252-53 (1958) (holding that “[t]he Correction Boards were established for the purpose only of reviewing, on application of a member of the military personnel, a military record to correct errors or injustices *against* such personnel and not to review and reverse decisions of other established boards *favorable* to such personnel).

⁵ COMDTINST M1650.25D, Chapters 1.B.10., 5.A.12.b.(3) & (4), 5.A.13.b.(2) & d.(2).

request but avoid creating the error of “dual recognition,” the Board should grant the alternative relief recommended by the Coast Guard.

7. The applicant has proven by a preponderance of the evidence that his DD 214 is erroneous. It should be corrected to show that he is eligible to receive two bronze stars on his ICM, but the GWOTEM should be removed.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former BMC [REDACTED], USCG, for correction of his military record is granted as follows: His DD 214 dated August 12, 2011, shall be corrected to show that he is entitled to wear the Iraq Campaign Medal with two bronze stars, and the Global War on Terrorism Expeditionary Medal shall be removed.

June 21, 2019

