

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-215

██████████
██████████ BM3 (Former)

FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case on September 8, 2018, after receiving the applicant's completed application, 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 November 1, 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 boatswain's mate, third class (BM3/E-4) in the Coast Guard Reserve, asked the Board to correct his latest DD 214¹ by listing ██████████ ██████████, as the unit he was assigned to when he was discharged on November 7, 2012. He also asked the Board to correct his DD 214 to show that he received the Armed Forces Service Medal (AFSM); an Active Duty Good Conduct Medal (CGM); an Enlisted Boat Force Operations Insignia; and a silver star on his Coast Guard Meritorious Unit Commendation. With regards to the AFSM, the applicant stated that he was told that he would receive the medal for his deployment to Port Au Prince, Haiti. In support of his requests, the applicant submitted the following:

- In a July 20, 2018, memorandum, LCDR R advised the Coast Guard Personnel Service Center (PSC) that due to an administrative error, the AFSM had not been awarded to all personnel who were attached to ██████████ who were providing humanitarian relief in Haiti in support of Operation Unified Response from February 5, 2010, to February 25, 2010. The applicant's name is on the attached list of personnel from PSU 313 who he claimed were eligible to receive the award.

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

- A certificate for a Boat Force Operations award dated April 12, 2013, states that the applicant was awarded the Boat Force Operations Pewter Tone Insignia.
- A certificate shows that the Coast Guard GCM was awarded to the applicant for service completed on February 26, 2013.
- A Certificate of Appreciation from [REDACTED] for his “service and contribution to the Combined/Joint Logistics Over-the-Shore Exercise” in Korea in April 2013.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve on February 26, 2007, for a term of six years and was promised on Annex “P” to his enlistment contract that he would attend BM “A” School following basic training and after completion of “A” School would be assigned to [REDACTED]. His record contains a DD 214 showing that he was assigned to [REDACTED] served on active duty in [REDACTED], from November 1, 2008, through June 30, 2008 (sic); and had earned the following awards:

- Armed Forces Reserve Medal
- Coast Guard Meritorious Team Commendation
- Global War on Terrorism Service Medal

The applicant’s record also contains a DD 215 dated April 13, 2009, correcting his June 30, 2008, DD 214 to show that he entered active duty on November 1, 2007, instead of November 1, 2008.

The applicant’s record also contains a DD 214 covering his active service from January 19, 2010, to March 29, 2010. It states in Blocks 8.a. and 8.b. that [REDACTED] was both his last assignment and major command and the unit from which he was released from active duty. It also states that he was recalled to active duty under Title 10 in support of the Haitian Earthquake Response and lists the following awards:

- Armed Forces Reserve Medal w/’M’ Device
- Coast Guard Meritorious Unit Commendation
- Coast Guard Meritorious Team Commendation
- Commandant’s Letter of Appreciation w/’O’ Device
- Global War on Terrorism Expeditionary Medal

Finally, his record contains a third DD 214 covering the period from October 17, 2010, to November 7, 2012. Block 8.a. states that his last duty assignment and major command was [REDACTED]; Block 8.b. states that [REDACTED], was the station where he was separated; and Block 9 states that [REDACTED] was being transferred back to [REDACTED]. Block 13 of this DD 214 shows that he received the following awards:

- Armed Forces Reserve Medal w/’M’ Device and ‘4’ Device
- Coast Guard Pistol Marksmanship Ribbon

- Coast Guard Port Security Insignia
- Coast Guard Rifle Sharpshooter Ribbon
- Coast Guard Meritorious Unit Commendation w/one Gold Star
- Coast Guard Meritorious Team Commendation w/'O' Device and two Gold Stars
- Commandant's Letter of Commendation w/'O' Device
- First CG Reserve Good Conduct Award for period ending February 25, 2010
- Global War on Terrorism Expeditionary Medal
- Global War on Terrorism Service Medal
- Humanitarian Service Medal
- National Defense Service Medal

A print-out from the Coast Guard's database shows that the applicant was RLD (released from duty) at [REDACTED] and was first assigned to [REDACTED] on October 1, 2013.

The applicant stated that he discovered the alleged errors in his record on July 26, 2018. He argued that the Board should find it in the interest of justice to consider his application because it was not until he applied for a state job that he noticed his DD 214 was incorrect.

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."

The instructions for completing the DD 214 state that Block 8.a. (Last Duty Assignment and Major Command) should contain the member's last permanent duty assignment. It states that Block 8.b. (Station Where Separated) should contain the place of release, transfer, retirement, or discharge and its geographical location.

Chapter 5.A.15 of the Medals and Awards Manual provides that the AFSM was authorized on January 11, 1996, and is available for members of the Armed Forces of the United States who, after 1 June 1992:

(a) Participated as members of U.S. military units, in a U.S. military operation that is deemed to be a significant activity; and

(b) Encountered no foreign armed opposition or imminent threat of hostile action.

It also states that the member must be a bona fide member of a unit participating for one or more days in the operation within the designated area of eligibility (AOE), or meet one or more of the following criteria:

(a) Be engaged in direct support for 30 consecutive days in the AOE (or for the full period when an operation is of less than 30 days duration) or for 60 nonconsecutive days provided this support involves entering the AOE.

(b) Participate as a regularly assigned crewmember of an aircraft flying into, out of, within, or over the AOE in support of the operation.

Enclosure 9 to the Medals and Awards Manual states that the AFSM was awarded only to members who participated in the Hurricane Katrina response from August 27, 2005, to February 27, 2006, and the Haiti Earthquake Response from January 14, 2010, to June 1, 2010.

Enclosure 11 to the Medals and Awards Manual states that to receive a GCM after July 1, 1983, a member had to have completed three consecutive years of active duty with no NJP, court martial, no misconduct, and no equivalent civil action.

Article 3.B.5. of the manual states that a gold star is issued for subsequent awards of a Coast Guard Unit Commendation, and Table 1-1 states the following about subsequent awards of a medal:

Subsequent Awards. The following stars (or cluster) are authorized to denote subsequent awards:

“a” Large stars. A 5/16-inch gold star denotes each subsequent award. A 5/16-inch silver star is worn in lieu of five gold stars (represents the sixth award).

“b” Small stars. A 3/16-inch bronze star is worn on unit (with the exception of Coast Guard unit awards), campaign, and service awards to denote engagements, campaigns, or subsequent awards. A 3/16-inch silver star is worn in lieu of five bronze stars (represents the sixth award; engagement or campaign).

VIEWS OF THE COAST GUARD

On April 3, 2019, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion and adopted the findings and analysis in a memorandum submitted by the Commander, Personnel Service Center (PSC). PSC argued that the application is untimely. However, PSC recommended granting partial relief, stating that the applicant’s record contains an Honors and Awards Summary which shows that he received the AFSM on March 14, 2011. PSC stated that it should be added to his DD 214.

Regarding the applicant’s claim that his DD 214 should indicate in Block 8.b. that he was assigned to [REDACTED] instead of [REDACTED] at the time of his separation, PSC argued that his DD 214 is correct because the applicant performed Active Duty for Operational Support of the Active Component (ADOS-AC) orders at [REDACTED] but his permanent unit remained [REDACTED]. PSC recommended that the Coast Guard prepare a Reserve Statement of Service for the applicant which reflects all periods of his service.

With regards to the applicant’s claim that he should receive an Active Duty Good Conduct Medal, Enlisted Boat Operations Insignia, and a silver star on his Coast Guard Meritorious Unit Commendation, the JAG recommended denying relief because these medals or

awards were not earned before or during the timeframe encompassed by the applicant's November 7, 2012, DD 214. Additionally, PSC argued that the applicant earned only two Coast Guard Meritorious Unit Commendations and therefore he is not eligible to have a silver star on that ribbon.

PSC submitted a Coast Guard Member Information page from Direct Access showing that the applicant had received the following awards/medals:

- Armed Forces Service Medal on March 14, 2011
- Global War on Terrorism Service Medal on August 12, 2011
- Global War on Terror Expeditionary Medal on May 1, 2008
- CG Meritorious Unit Commendation Ribbon on July 10, 2008, and January 1, 2011
- Armed Forces Reserve Medal AFR on May 1, 2008; April 16, 2010; July 26, 2011; and September 29, 2011
- CG Rifle Sharpshooter Ribbon on December 15, 2010
- CG Pistol Marksmanship Ribbon on December 15, 2010
- CG Meritorious Team Commendation Ribbon on May 1, 2008; May 16, 2010; and June 11, 2011
- National Defense Service Medal on April 10, 2007
- CG Reserve Good Conduct Medal on February 26, 2010
- Coast Guard Good Conduct Medal on February 26, 2013

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 15, 2019, the BCMR sent the applicant a copy of the Coast Guard's recommendation and invited him to submit a response. 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.
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 and received and signed his DD 214 on November 7, 2012, and presumably knew its contents at the time. Therefore, his application is untimely. However, because the Coast Guard has identified a clear omission on his 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.

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

3. The applicant alleged that his DD 214 does not accurately reflect the unit he was assigned to at the time of his release from active duty nor does it list all of the medals and awards that he is eligible to receive. 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.³ 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."⁴

4. The applicant argued that his DD 214 is incorrect because Block 8.b. shows that the station where he was separated from active duty was [REDACTED] and that it should indicate [REDACTED] because that is where he was assigned at the time of his separation on November 7, 2012. The Board disagrees. The Commandant's instructions for completing the DD 214 state that Block 8.b. (Station Where Separated) should list the member's place of release, transfer, retirement or discharge and its geographical location. The record shows that the applicant's last duty assignment and command was [REDACTED] but that he was permanently assigned to [REDACTED] at the time of his release from active duty on November 7, 2012, and so that is where he was separated. Although the applicant stated that he was assigned to [REDACTED] at the time of his separation, his record shows that he was not permanently assigned to [REDACTED] until October 1, 2013. He did not receive a DD 214 from that unit, however, because he did not complete more than 90 days of continuous active duty nor was he recalled for a contingency operation while assigned to that unit. Accordingly, the Board finds that the applicant has not proven by a preponderance of the evidence that Block 8.b. of his DD 214 dated November 7, 2012, is erroneous or unjust.

5. The Board finds that the applicant has proven by a preponderance of the evidence that he is eligible for the AFSM, and that it should be listed on his November 7, 2012, DD 214. The record shows that the applicant was authorized the AFSM on March 14, 2011, for his service in support of Operation Unified Response in Haiti in 2010 and this is corroborated by the July 20, 2018, memorandum from LCDR R to PSC. Accordingly, the Board finds that the AFSM should be added to his November 7, 2012, DD 214.

6. The applicant argued that his DD 214 should be corrected to show that he received an active duty GCM, and in support of this argument he submitted a certificate showing that he received a First Award of the GCM on February 26, 2013. According to the DD 214 instructions, however, Block 13 is supposed to be accurate as of the date of separation documented on the DD 214. Therefore, the GCM that the applicant earned in 2013 should not be added to his November 7, 2012, DD 214.

7. The applicant argued that his DD 214 should be corrected to include his Enlisted Boat Force Operation Insignia. The Board disagrees. Not only was this insignia earned in 2013, after the November 7, 2012, DD 214 was issued, but Chapter 1.E. of the DD 214 instructions states that Block 13 of a DD 214 should show "all decorations, medals, badges, commendations,

³ 33 C.F.R. § 52.24(b).

⁴ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

citations, and campaign ribbons awarded or authorized for all periods of service.” It does not mention insignia and the Enlisted Boat Force Operation Insignia is not listed in the Medals and Awards Manual. Accordingly, the applicant’s request to have his Enlisted Boat Force Operation Insignia included on his DD 214 should be denied.

8. The applicant argued that his DD 214 should be corrected to include a silver star on his Coast Guard Meritorious Unit Commendation. The Board disagrees. Chapter 3.B.5. of the Medals and Awards Manual states that a subsequent award of the Coast Guard Meritorious Unit Commendation is noted with a gold star and Table 1-1 shows that a silver star is worn in lieu of five gold stars (representing the sixth award). The applicant’s record shows that he received two Coast Guard Meritorious Unit Commendation ribbons, so he is not eligible to wear a silver star on the ribbon because a silver star is used to denote a sixth award. His DD 214 is already correct in that it shows that he should have one gold star on this ribbon, denoting a second award of the ribbon. Accordingly, the applicant’s request to add a silver star to his Coast Guard Meritorious Unit Commendation should be denied.

9. The applicant has proven by a preponderance of the evidence that his DD 214 does not accurately reflect his entitlement to wear the Armed Forces Service Medal. Accordingly, this request for relief should be granted, but all other requests should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of BM3 [REDACTED], USCGR, for correction of his military record is granted in part. The Coast Guard shall correct his DD 214 dated November 7, 2012, to show that he is eligible to wear the Armed Forces Service Medal. In addition, the Coast Guard shall issue him a Reserve Statement of Service. All other requests are denied.

November 1, 2019

