

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

---

Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2018-225**

████████████████████  
SA (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 on September 19, 2018, after receiving the applicant's completed application and military records, 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 October 18, 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 seaman apprentice (SA/E-2) who served on active duty in the Coast Guard from 1993 to 1995, asked the Board to correct his DD 214 to show that he qualified as a marksman with the rifle. He stated that he is an "excellent shot" and that during rifle qualification at the recruit training camp he shot two bullets through the same hole several times but that the spotter disagreed and repeatedly claimed that the applicant had "missed the mark." In support of his application he submitted a copy of his DD 214 and it shows that he received the Coast Guard Marksman Pistol Ribbon but not a rifle qualification ribbon.

The applicant stated that the error occurred in July 1993 but that he discovered the error on November 28, 2016. He argued that the Board should find it in the interest of justice to consider his application because he would like the ribbon that he earned.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on July 27, 1993, and was honorably discharged on May 9, 1995, after serving on active duty for one year, nine months, and thirteen days. His DD 214 indicates that he was discharged pursuant to a temporary disability and Block 13 of the form shows that he received the following medals and awards during his enlistment:

- CG Marksman Pistol Ribbon
- National Defense Service Medal
- Antarctica Service Medal
- CG Arctic Service Medal
- Humanitarian Service Medal
- DOT Outstanding Achievement Medal with Gold Frame

The applicant's record also contains a form prepared by the National Personnel Records Center (NPRC) in 2017 which lists the Coast Guard awards that the applicant is entitled to receive, and the Rifle Marksmanship Ribbon is not included on the list.

### **APPLICABLE LAW AND REGULATIONS**

COMDTINST M1900.4D contains the Commandant's instructions for completing the DD 214 in 1995, and states that Block 13 of the form should show "all decorations, medals, badges, commendations, citations, and campaign ribbons awarded for all periods of service."

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

On April 1, 2019, a judge advocate (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 the application is untimely and the applicant did not provide any justification for the untimeliness of his application for relief.

Regarding the merits, the Coast Guard argued that the applicant's request should be denied because his record does not contain a Coast Guard Form 3029 (Small Arms Range Sheet) which is used to capture a member's score for qualification at a firing range; nor does it contain any other documentation verifying any of his range scores. The Coast Guard noted that the applicant was unable to provide any evidence other than his own assertion that he earned the rifle marksman ribbon.

### **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 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 based on 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. The applicant requested an oral hearing before the Board. The Chair, acting pursuant to 33 C.F.R. § 52.51, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation.

3. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>1</sup> The applicant was discharged and received his DD 214 showing no rifle ribbon in block 13 on May 9, 1995, but did not submit his application to the Board until 2016. Therefore, the Board finds that he discovered the error no later than 1995, and his application is untimely.

4. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>2</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>3</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>4</sup> In accordance with this direction, the Board has conducted a cursory review of the merits and finds no reason to excuse the untimeliness of the application:

a. The applicant’s statement shows that he knew during recruit training in 1993 that he was not being credited with having qualified on the rifle, and he provided no explanation or justification for having waited 25 years to seek correction of the alleged error.

b. The applicant’s DD 214 is presumptively correct<sup>5</sup> and the Board’s cursory review of the record shows that his request lacks potential merit because there is no evidence corroborating his assertion that he qualified as a marksman with the rifle.

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)**

---

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

<sup>2</sup> 10 U.S.C. § 1552(b).

<sup>3</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>4</sup> *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

<sup>5</sup> 33 C.F.R. § 52.24(b).

**ORDER**

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

October 18, 2019

