


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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2019-107**

 SN (former)


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**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 after receiving the applicant's completed application on April 4, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated May 1, 2020, 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 (SN) who served on active duty from October 18, 1968, to August 18, 1972, asked the Board to correct his DD 214<sup>1</sup> documenting his active duty to show that he received the Coast Guard Sea Service Ribbon and a Meritorious Service Medal. He argued that he is eligible to receive the Sea Service Ribbon because his DD 214 shows that he completed one year, two months, and nine days of sea service during his enlistment. He argued that he, and other members of Light Attendant Station , deserve a Meritorious Service Medal because of their hard work following a ship collision that they responded to and their hard work during Hurricane Camille.

In support of his request, the applicant submitted a copy of his DD 214 which shows that the only decoration, medal, or badge that he received during his enlistment was the National Defense Service Medal.

The applicant stated that he discovered the alleged errors in his record in 1974 and argued that the Board should consider his application because he was separated in the post-Vietnam era, when "wearing uniforms was not advisable."

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<sup>1</sup> 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.

### SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard October 18, 1968, completed recruit training on December 20, 1968, and was assigned to Coast Guard Light Attendant Station in [REDACTED]. After assignment to the Coast Guard Training Center (TRACEN) New York, he served aboard the 254-foot Coast Guard Cutter [REDACTED] from July 31, 1970, to May 14, 1971. His record also shows that he was transferred to Radio Station [REDACTED] on May 14, 1971, and was serving there when he was honorably discharged on August 18, 1972.

The applicant's DD 214 shows that he served on active duty for three years, ten months, and one day, including one year, two months, and nine days of foreign and/or sea service. It also shows that he earned the National Defense Service 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 5.A.19 of the Coast Guard Military 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.

Chapter 2.A.11 of the Military Medals and Awards Manual provides that the Meritorious Service Medal may be awarded by the Commandant in the name of the President to any member of the Armed Forces of the United States or to any member of a friendly foreign nation's armed force, who distinguish themselves by outstanding meritorious achievement or service to the United States. To justify this decoration, the acts or services rendered by an individual, regardless of grade or rate, must be comparable to that required for the Legion of Merit, but in a duty of lesser degree than the Coast Guard Medal, and single acts of merit under operational conditions may justify this award. When the degree of meritorious achievement or service rendered is not sufficient to warrant the award of the Meritorious Service Medal, the Coast Guard Commendation Medal, when appropriate, should be considered.

### VIEWS OF THE COAST GUARD

On September 6, 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 noted that the application is untimely but argued that partial relief should be granted because the applicant is eligible to receive a Sea Service Ribbon.

PSC recommended that the applicant's record be corrected to show that he received the Sea Service Ribbon because his DD 214 does not list the ribbon but shows that he completed one year, two months, and nine days of foreign and/or sea service. Moreover, PSC noted that his record also contains a Page 7 documenting that the sea service was completed while he was assigned to the USCGC [REDACTED]

PSC recommended that the applicant's request for a Meritorious Unit Ribbon<sup>2</sup> be denied because there is nothing in the Medal and Awards Manual showing that it was awarded to LORSTA [REDACTED] during the timeframes the applicant was assigned there. Neither PSC nor the JAG addressed the applicant's request for the Meritorious Service Medal.

### APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On September 6, 2019, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The BCMR 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. An application to the Board must be filed within three years after the applicant discovers the alleged error,<sup>3</sup> which is the applicant's lack of an award for his sea service and a Meritorious Service Medal. The applicant was discharged and received his DD 214 showing no such awards on October 18, 1972, and the Sea Service Ribbon was authorized in 1984. Therefore, the preponderance of the evidence shows that the application is untimely.

2. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>4</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>5</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>6</sup>

3. The applicant did not explain or sufficiently justify why he waited about 46 years after his discharge and more than 34 years after the Sea Service Ribbon was authorized to seek an award for his sea service and the Meritorious Service Medal. Therefore, the Board finds that

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<sup>2</sup> The applicant requested a Meritorious Service Medal, rather than a Meritorious Unit Medal, but argued that his whole unit should receive the medal.

<sup>3</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

<sup>4</sup> 10 U.S.C. § 1552(b).

<sup>5</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>6</sup> *Id.* at 164, 165; see also *Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

he failed to show that anything prevented him from seeking correction of the alleged errors or injustices more promptly.

4. The applicant alleged that he is eligible to receive a Sea Service Ribbon and a Meritorious Service Medal and that they should be added to his DD 214. However, the Board's cursory review of the merits of this case indicates that his claim cannot prevail. The record shows that he served aboard the USCGC [REDACTED] and accumulated more than 12 months of sea duty from July 31, 1970, to May 14, 1971, but the Sea Service Ribbon was not authorized until 1984 and, unlike some other awards, was not made retroactive. His DD 214 is presumptively correct,<sup>7</sup> and there is no evidence showing that the applicant met the requirements for the Sea Service Ribbon after it was authorized in 1984.

5. A cursory review of the applicant's record also indicates that he is unlikely to prevail in his request for a Meritorious Service Medal. Chapter 2.A.11 of the Military Medals and Awards Manual states that the medal may be awarded by the Commandant to any member of the Armed Forces of the United States who distinguish themselves by outstanding meritorious achievement or service to the United States, but there is nothing in the applicant's record showing that he was recommended for the medal. His record is presumptively correct, and there is no evidence showing that the applicant met the requirements for the Meritorious Service Medal.

6. The applicant's military service is highly commendable, but the Board will not waive the statute of limitations. The request should be denied.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

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<sup>7</sup> 33 C.F.R. § 52.24(b); see *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992) (citing *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979), for the required presumption, absent evidence to the contrary, that Government officials have carried out their duties "correctly, lawfully, and in good faith.").

**ORDER**

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

May 1, 2020

