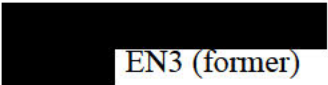


**DEPARTMENT OF HOMELAND SECURITY  
BOARD FOR CORRECTION OF MILITARY RECORDS**

---

Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2019-112**

 EN3 (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 after receiving the applicant's completed application on April 24, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated June 12, 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 engineman third class (EN3) who was discharged from the Coast Guard on August 25, 1972, asked the Board to add the following medals, ribbons, and other items to his discharge form DD 214:<sup>1</sup>

1. Coast Guard Good Conduct Medal (GCM) and letter
2. Expert Rifle badge
3. Expert Pistol badge
4. Cold War Victory Commemorative<sup>2</sup>
5. Vietnam 50<sup>th</sup> Anniversary Commemorative<sup>3</sup>
6. Unit Merit Citation for the USCGC 

---

<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 215 is used to correct or add information to a DD 214. COMDTINST 1900.4D.

<sup>2</sup> The Cold War Victory Commemorative Medal is both an official medal of the National Guard and an unofficial military medal awarded by the States of Louisiana, Texas, and Alaska. It can be purchased, but not worn in uniform, by any member of the United States military, or civilian employees of the federal government, who served in their positions honorably during the years of the Cold War, specifically September 2, 1945, to December 26, 1991. [https://military.wikia.org/wiki/Cold\\_War\\_Victory\\_Medal](https://military.wikia.org/wiki/Cold_War_Victory_Medal) (last visited April 14, 2020). This medal is not listed in the Coast Guard Medals and Awards Manual.

<sup>3</sup> The Vietnam 50th Anniversary Commemorative Medal is minted commercially to honor the service of those who served in Vietnam and can be purchased through several online military medal suppliers. This medal is not listed in the Coast Guard Medals and Awards Manual.

7. Sea Service Ribbon
8. Basic Training Honor Graduate (boot camp Battalion Commander)

In support of his request, the applicant submitted a copy of a DD 214 documenting his active service from November 18, 1968, to August 25, 1972, and it shows that he earned the National Defense Service Medal.

The applicant stated that he discovered the alleged errors in his record on April 12, 2018, and argued that the Board should find it in the interest of justice to consider his application because he belongs to the American Legion and is not permitted to wear any medals that are not listed on his DD 214.

### SUMMARY OF THE RECORD

The applicant served on active duty in the Coast Guard from November 18, 1968, to August 25, 1972, and was honorably discharged and transferred to the Coast Guard Reserve. The DD 214 in his official record shows that while on active duty he performed 3 years, 6 months, and 6 days of foreign and/or sea service. It also shows that the applicant earned the National Defense Service Medal and the Good Conduct Medal (GCM) for the period of service ending August 25, 1972, but the entire GCM entry is handwritten on the DD 214. His record shows that after completing recruit training in January 1969, he was assigned to the following units:

1. USCG Base [REDACTED] until February 7, 1969
2. CGC [REDACTED], from February 12, 1969 to November 1, 1969
3. CG Radar Station [REDACTED] from October 17, 1970, to December 10, 1971
4. CGC [REDACTED], from December 10, 1971, to August 25, 1972

The applicant's military record shows that from 1969 to 1972 he received average marks from 3.3 to 4.0 in proficiency, leadership, and conduct, and there is no record of nonjudicial punishment, misconduct, or civil conviction for an offense involving moral turpitude. Finally, his record contains a Page 7 which shows that on January 30, 1969, he fired the 30mm canon on the familiarization and proficiency course and fired "E" (expert) on the .45 caliber pistol course.

### VIEWS OF THE COAST GUARD

On September 4, 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), who recommended that the Board grant partial relief. PSC argued that the application is untimely because the applicant was discharged in 1972. Regarding the merits of the applicant's request, PSC argued that partial relief should be granted because his record shows that he earned the Good Conduct Medal, the Sea Service Ribbon, and the Expert Pistol Shot Medal. PSC argued that he is eligible for these awards because his record shows that he earned the Sea Service Ribbon for his service aboard the cutters [REDACTED]

██████████, and that a Page 7 in his record dated February 30, 1969, states that he completed 26 hours of small arms training and completed the “E” course with the .45 caliber pistol.

The PSC made the following recommendations with respect to the applicant’s other requests:

- Unit Merit Citation for the CGC ██████████ PSC argued that the applicant is not eligible to receive any Vietnam Era medals because the applicant was assigned to the CGC ██████████ but that it did not take part in any Vietnam war hostilities nor was the crew of the ██████████ awarded the Unit Merit Citation Ribbon.
- Expert Rifle Ribbon. PSC stated that there is nothing in the applicant’s record to show that he qualified as an expert with the rifle.
- Basic Training Honor Graduate. PSC argued that the applicant is not eligible to receive this because it was not authorized by the Commandant until March 3, 1984, which was several years after he was discharged. Moreover, PSC argued that the basis of the applicant’s claim pertains to a collateral duty that he held during Basic Training and not due to academic excellence.
- Cold War Victory Commemorative Ribbon and Vietnam Anniversary Commemorative Ribbon. PSC argued that these are not official military awards and are civilian in nature. PSC added that the applicant may purchase these awards through a civilian source.

#### **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 recommendation and invited him to respond. The Board did not receive a response.

#### **APPLICABLE LAW AND REGULATIONS**

##### ***DD 214 Manual***

COMDTINST 1900.4A, issued in 1975, is the oldest edition of the Commandant’s instructions for completing the DD 214 available to the Board. Enclosure (1) of the instructions state that the decorations, medals, and awards block on the DD 214 should show “all decorations, medals, badges, commendations, and campaign ribbons awarded or authorized during the *current* tour of active service.” More recent editions of the DD 214 manual state that the medals and awards earned during *all* periods of service should be listed on a member’s DD 214 and that the DD 214 should be accurate as of the date of discharge.

##### ***Medals and Awards***

Enclosure 11 to COMDTINST M1650.25E, the Coast Guard Medals and Awards 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.B.21 of COMDTINST M1650.25B 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. A 3/16" bronze star is authorized for each additional three-year period of eligible sea duty. However, the ribbon was authorized on March 3, 1984, and it was not authorized to be issued retroactively.

Enclosure (5) to the Medals and Awards Manual states that the CGC [REDACTED] is eligible to receive the Coast Guard Unit Commendation for service from December 15, 1976, to January 1, 1977; and the Coast Guard "E" Ribbon for service from December 5 to 19, 1986; November 1980; May 1979; and August 1976. The enclosure also states that the CGC [REDACTED] is eligible to receive the Coast Guard Meritorious Unit Commendation for service from April 1, 1986, to June 1, 1987, and from April 12 to June 11, 1990.

Chapter 5.A.25 of the Medals and Awards Manual states that the Expert Pistol Shot Medal is awarded to Coast Guard personnel who qualify as expert with the service pistol over a prescribed course of fire.

Chapter 5.A.22 of the Medals and Awards Manual states that effective April 1, 1984, the Coast Guard Basic Training Honor Graduate Ribbon is awarded to members who graduate as the highest member of each Recruit Company. It also states that members who graduated from Coast Guard recruit training prior to April 1, 1984, and believe they are eligible for this award may submit a request, with supporting documentation, to CG PSC-PSD-ma, via the chain of command.

## 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. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>4</sup> The applicant retired from the Coast Guard and received his DD 214 on October 31, 1976, and so his application is untimely.
3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>5</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

---

<sup>4</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

<sup>5</sup> 10 U.S.C. § 1552(b).

the delay and the potential merits of the claim based on a cursory review”<sup>6</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>7</sup> Although the applicant in this case did delay filing his application, the Coast Guard has identified clear omissions on his DD 214 that should be corrected so that he can wear the medal and awards he received. Therefore, 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 does not contain several medals and awards that he is eligible to receive and omits other items that should be included. 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.<sup>8</sup> 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.”<sup>9</sup>

5. With respect to the applicant’s request to have items added to his DD 214, the Board finds the following:

- a. The Board agrees that the applicant’s record should be corrected to show that he earned the GCM. The pen and ink inclusion of the medal on the DD 214 in his record strongly suggests that he earned it. Moreover, his average marks during his enlistment were above the required minimums and there is no record of NJP, misconduct, or civil conviction for an offense involving moral turpitude. Enclosure 11 to the Coast Guard Medals and Awards Manual.
- b. The Board finds that the applicant is not eligible to receive the Expert Rifle Medal because there is nothing in his record to show that he earned it. The Page 7 in his record shows that he fired the 30mm canon on the familiarization and proficiency courses on January 30, 1969, but it does not indicate that he qualified as an expert with the rifle.
- c. The Board finds that the applicant’s DD 214 should be corrected to show that he earned the Expert Pistol Shot Medal because his record contains a Page 7 dated January 30, 1969, which shows that he fired the .45 caliber piston on the “E” course.
- d. The Board finds that the Cold War Victory Commemorative Ribbon and Vietnam Anniversary Commemorative Ribbon should not be added to his DD 214. As noted by PSC, these are not official military awards. They can only be obtained through a civilian source and they may not be listed on a military DD 214.

---

<sup>6</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>7</sup> *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

<sup>8</sup> 33 C.F.R. § 52.24(b).

<sup>9</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

- e. The Board finds that the applicant's record should not be corrected to include a Coast Guard Meritorious Unit Commendation for the CGC [REDACTED]. He served on the cutter from February 12 to November 1, 1969, but the Medals and Awards Manual did not list that period as one for which the crew of the cutter was awarded the Coast Guard Unit Commendation or the Coast Guard Meritorious Unit Commendation.
- f. The Board finds that the applicant is not entitled to the Sea Service Ribbon. He argued that his DD 214 should be corrected to show that he received the ribbon because he performed more than 12 months of sea service from 1969 through 1972, but this ribbon was not authorized until 1984 and was not made retroactive. Because the applicant was discharged before 1984, he is not eligible to receive the Sea Service Ribbon.
- g. The Board finds that the applicant's request to have his record corrected to show that he was the basic training honor graduate should be denied. He completed basic training in 1969, but Chapter 5.A.22 of the Medals and Awards Manual states that the Basic Training Honor Graduate Ribbon was not created until April 1, 1984. Moreover, there is nothing in his record to show that he was the basic training honor graduate. Although the Board agrees with PSC that relief should be denied, the Board also notes that the awards manual states that members who graduated from Coast Guard recruit training prior to April 1, 1984, and believe they are eligible for this award may submit a request, with supporting documentation, to CG PSC-PSD-ma, via the chain of command.

6. The applicant has proven by a preponderance of the evidence that his DD 214 does not accurately reflect all the medals and awards he received or is eligible to receive. Accordingly, the Board direct the Coast Guard to correct the applicant's DD 214 to show that he was awarded the Coast Guard Good Conduct Medal and the Expert Pistol Shot Medal. All other requests should be denied.

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

**ORDER**

The application of former EN3 [REDACTED] USCG, for correction of his military record is granted in part. The Coast Guard shall issue a DD 215 to correct his DD 214 to show that he was awarded the Coast Guard Good Conduct Medal and the Expert Pistol Shot Medal. All other requests should be denied.

June 12, 2020

