

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

---

Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2019-155**

  
LT (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 June 5, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated June 26, 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 Lieutenant who was discharged from the Coast Guard on March 3, 2008, after completing a six-year enlistment in the Reserve, asked the Board to correct his record to show that he received the Global War on Terrorism Service Medal (GWOTSM).

The applicant argued that the GWOTSM should be added to his record because he served on active duty for more than 60 days of non-consecutive days in support of operations as a member of Port Security Unit (PSU) 311 where he served as the Assistant Boat Officer and later as the Weapons Officer. He also stated that he was selected to run a Port Security Unit (PSU) while the unit was deployed. The applicant stated that he discovered the alleged errors in his record on February 3, 2019.

**SUMMARY OF THE RECORD**

The applicant's record shows that he enlisted in the Coast Guard Reserve Direct Petty Officer Program on June 7, 1999, for a term of eight years<sup>1</sup> and was appointed an Ensign (O1) on September 7, 2000. According to his military record he was assigned to a PSU as a reservist from June 7, 1999, to September 1, 2003. The applicant's record also shows that he was still serving in the Selected Reserve (SELRES) as of April 3, 2008, but on his application to the Board he indicated that he was discharged from the Coast Guard on March 1, 2008.

---

<sup>11</sup> Page 3 of his Military Processing Form, DD Form 1966, shows that he enlisted for a term of 6 years, but his enlistment contract, DD Form 4/1, shows that he enlisted for a term of 8 years.

The applicant’s record also contains two pages of his Duty Reports which show that he performed 46 non-consecutive days of active duty between November 16, 2001, and June 22, 2003. There is also a Retirement Points Statement in his record dated September 24, 2002, which shows all of the reserve retirement points that he had earned up until that date, and it shows that he had three years of total satisfactory service and that he had earned a total of 195 points. It also shows that all of his duty from June 7, 2001, through June 6, 2002, was Inactive Duty for Training (IDT)<sup>2</sup> and that none of it was active service. The only period during which he performed active duty as a reservist was from February 23, 2001, to March 9, 2001, for which he earned 15 points. The Retirement Points Statement does not indicate that he performed any active duty service between September 11, 2001, and January 30, 2005, which is one of the two eligibility periods for the GWOTSM.

The applicant’s record also shows that he earned two Coast Guard Unit Commendations for service at PSU 311 from November 2000 to April 2002 and from February 2003 to June 2003.

**APPLICABLE LAW AND REGULATIONS**

Chapter 5.A.13 of COMDTINST M1650.25E, the Coast Guard Medals and Awards Manual that went into effect in 2016, states that the GWOTSM was established by Executive Order in 2003 and that there are two eligibility periods: September 11, 2001, through January 30, 2005, and from January 30, 2005, to a future date to be determined. Eligibility requirements from September 11, 2001, to January 30, 2005, are as follows:

••••

(1) 11 September 2001 to 30 January 2005. Awarded to all Coast Guard active duty and reserve members on active duty during the eligibility period. To qualify, members must have served on active duty for a period of not less than 30 consecutive days or 60 non-consecutive days following initial accession point training. Service while assigned to training duty as a student, cadet, officer candidate, and DUINS, does not count toward eligibility. Service while assigned to training duty as a student, cadet, officer candidate, and DUINS, does not count toward eligibility. This includes both training and summer cruises for the Coast Guard Academy and Officer Candidate School.

**VIEWS OF THE COAST GUARD**

On April 23, 2019, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief. The JAG argued that the applicant’s request to have the GWOTSM added to his record should be denied because it is untimely and he does not qualify for the medal. The JAG noted that receipt of the medal requires that the member serve on active duty for a period of not less than 30 consecutive days or 60 non-consecutive days during the eligibility period from September 11, 2001, to January 30, 2005. The JAG argued that the applicant

---

<sup>2</sup> A single drill is one period of IDT. When authorized with pay, compensation will be at a rate of 1/30<sup>th</sup> of the monthly basic pay of the pay grade held on the date that the drill is performed. A single IDT drill: (1) must be four or more hours in duration; (2) must be performed in one calendar day; and (3) will earn one retirement point. Chapter 2.A.3.a of the Reserve Policy Manual, COMDTINST M1001.28A.

does not meet these criteria because his record shows only 48 days of non-consecutive active duty within the eligibility period, September 11, 2001, to September 1, 2003. The JAG noted that the applicant was assigned to PSU 311 as a member of the SELRES and performed 48 drills, but there is nothing within his available records to confirm any extended period of active duty, ADT, or otherwise.

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

On January 14, 2020, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty 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.<sup>3</sup> The applicant submitted his application to the Board on June 11, 2019, but he was discharged from the Reserves in March or April 2008. Therefore, the Board finds that his 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> 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 did not explain or justify why he waited more than 10 years after his discharge to request the addition of the GWOTSM to his military record. He failed to show that anything prevented him from seeking correction of the alleged error or injustice more promptly.

b. The applicant has not submitted any evidence of error or injustice. His record is not erroneous by failing to include the GWOTSM because he is not eligible to receive the medal. Chapter 5.A.13 of the Medals and Awards manual states that the medal may be awarded to Reserve members who, from September 11, 2001, to January 30, 2005, serve on active duty for a period of not less than 30 consecutive days or 60 non-consecutive days. The record shows that the applicant served at a PSU from June 7, 1999, to September 1,

---

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

<sup>4</sup> *Id.*; 33 C.F.R. 52.22.

<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).

2003, but his Duty Records show that he served less than the required 30 consecutive days or 60 non-consecutive days.

3. In the absence of anything in the applicant's record to show that he performed more than 30 days of consecutive active service or 60 non-consecutive days of active service, the applicant's request to have the GWOTSM added to his record should be denied.

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

**ORDER**

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

June 26, 2020

