

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2020-010


OS2

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 October 25, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated September 4, 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, who is currently on active duty, asked the Board to correct the DD 214 that she received on May 28, 2008, at the end of her first enlistment. She alleged that it should show that she earned the Boat Forces Pin and the Coast Guard Overseas Service Ribbon during her first enlistment.

The applicant argued that she is eligible for the Boat Forces Pin because she was stationed at three separate Coast Guard stations from 2002 to 2008 as a Boatswain's Mate (BM) and earned 47 crewmember qualifications. She noted that COMDTINST M16114.32A, which was in effect from January 2005 to August 2008, states that the pewter tone boat forces insignia is awarded to members who complete five years of cumulative service at a boat force field unit. The applicant stated that she is also eligible to receive the Overseas Service Ribbon because she was stationed in Puerto Rico from 2005 to 2008.

To support her request, the applicant submitted copies of the Boat Forces Operations Insignia Criteria from COMDTINST M16114.32A and a copy of her Coast Guard Member Information sheet, which shows that, from August 6, 2002, to May 28, 2008, she served at two different Coast Guard stations as a BM. Her Member Information sheet also shows that she has earned thirteen awards and medals overall, including the Coast Guard Overseas Service Ribbon on July 14, 2017.

The applicant stated that she discovered the alleged errors in her record on July 19, 2019, and argued that the Board should find it in the interest of justice to consider her application because, at the time of her initial discharge, she had no intention of staying in the Coast Guard but now wants her record to accurately reflect all the qualifications that she earned. She stated that she did not pursue the medals before her discharge because she was pregnant during her last nine months in the Coast Guard and was on maternity leave.

SUMMARY OF THE RECORD

The applicant enlisted on May 28, 2002. After completing recruit training, she was assigned to a West Coast boat station for “tower watch duty” as a non-rate (E-3). She earned the BM rating and was transferred to a station in Puerto Rico in June 2005. Her record contains an Administrative Remarks form (“Page 7”) dated March 3, 2006, which states that she had completed the qualification and time requirements necessary to wear the Temporary Boat Forces Insignia.¹ Her record also shows that she continued serving in Puerto Rico until she was discharged in May 2008.

The applicant was honorably discharged on May 27, 2008, after completing exactly six years of active duty. Her DD 214 shows that she had performed no foreign or sea service, and no Overseas Service Ribbon is listed.

On March 17, 2015, the applicant reenlisted on active duty as a seaman (E-3), attended “A” School, and entered a different rating. Her Member Information sheet shows that she again served overseas at a command center from 2015 to 2017. On July 14, 2017, she received the Coast Guard Overseas Service Ribbon. She was then transferred to a stateside command center and is still serving on active duty.

VIEWS OF THE COAST GUARD

On April 8, 2020, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant partial relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC). PSC argued that partial relief should be granted because although the applicant’s request is untimely, her record contains an error which should be corrected.

PSC recommended that the applicant’s DD 214 be corrected to show that she earned the Coast Guard Overseas Service Ribbon. PSC argued that she is eligible for the ribbon because she served over 12 months in Puerto Rico from June 28, 2005, to May 27, 2008, and again from August 24, 2015, to July 27, 2017. PSC stated that Puerto Rico is a U.S. Territory and therefore she is eligible for the ribbon.

¹ A Temporary Boat Forces Insignia may be issued to members who have served at their boat station for at least six months and completed the required Personnel Qualification Standards. To be entitled to wear the insignia permanently, a member must have five years of cumulative service in a billet with regular participation in boat operations at a “Boat Force field unit,” which includes Groups, Activities, Bases, Sectors, Marine Safety and Security Teams, Stations, and Aids to Navigation Teams. COMDTINST 1650.3.

PSC recommended that the Board deny the applicant's request to add the Boat Forces Insignia to her DD 214, however. PSC noted that her record shows that she is eligible to wear the Temporary Boat Forces Operation Insignia, but the Commandant's instructions for completing the DD 214 do not permit the inclusion of this insignia on the DD 214.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 7, 2020, the BCMR sent the applicant a copy of the Coast Guard's recommendation and invited her to respond within 30 days. The BCMR did not receive a response.

APPLICABLE LAW AND REGULATIONS

COMDTINST 1900.4, the Commandant's instructions for completing the DD 214, states 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 *all* periods of service should be listed on a member's DD 214 and that it should be accurate as of the date of discharge."

Volume I, Chapter 6 of the U.S. Coast Guard Boat Operations and Training (BOAT) Manual, COMDTINST MI6114.32D, states that The Boat Force Operations Insignias are intended to identify Coast Guard personnel with Boat Force operations, management, knowledge and expertise. In addition to development as subject matter experts, these insignia recognize members with a career path in Boat Forces. The insignia are awarded to recognize a demonstrated level of proficiency with Boat Forces operations, management and oversight.

Chapter 5.A.21 of COMDTINST M1650.25E, the Coast Guard Military Medals and Awards Manual, states that the Coast Guard Overseas Service Ribbon (OSR) was established and approved on October 28, 2009. It states that the award is available to active duty members of the Coast Guard who successfully complete a tour of duty of at least 12 months at an overseas shore-based duty station or aboard a cutter permanently assigned to an overseas area. It states that overseas is defined as duty outside the United States, and that U.S. territories at shore-based commands and Coast Guard Cutters permanently assigned to an overseas area are eligible assignments for this award. Subsequent awards of the OSR are authorized for completion of additional tours of duty. A 3/16-inch bronze star is authorized for each additional eligible period of duty. The manual also states that the OSR may be awarded retroactively to personnel who are credited with completion of a tour of overseas duty as stated in the eligibility criteria above, but members requesting awards for service prior to the approval date of the award are eligible for the initial award only.

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 or injustice.² The applicant was discharged from the Coast Guard and received her DD 214 on May 28, 2008, and so 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.³ 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”⁴ 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.”⁵

3. The applicant did not explain why she waited so long to seek correction of her record and the Board finds that nothing prevented her from seeking correction of the alleged errors or injustices more promptly. However, because her DD 214 contains an error which should be corrected, the Board finds that it is in the interest of justice to waive the statute of limitations and does so in this case.

4. The applicant argued that her DD 214 should be corrected to include the Boat Forces Insignia and the Overseas Service Ribbon. The Board begins its analysis in every case by presuming that the disputed information in the member’s military record is correct as it appears in the record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.⁶ 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.”⁷

5. The applicant asked the Board to correct her DD 214 to list her Boat Forces Insignia, but the JAG recommended that the Board deny her request. The Board agrees with the JAG, finding that, although the record shows that she earned the Temporary Boat Forces Insignia, it should not be listed on her DD 214 because the instructions for preparing the DD 214 state that Block 13 shall include only decorations, medals, badges, commendations, and campaign ribbons. The manual does not state that insignias, such as the Boat Forces Insignia, can be included in Block 13 or listed elsewhere on the DD 214. The Coast Guard Medals and Awards Manual does not list the various insignias as authorized awards, and the Boat Operations and Training Manual states that insignias are intended to identify Coast Guard personnel with Boat Force operations, management, knowledge and expertise, and are awarded to recognize demonstrated level of proficiency with Boat Forces operations, management and oversight. Thus, the insignia is not a medal or an award and is not included on the DD 214.

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

³ 10 U.S.C. § 1552(b).

⁴ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁵ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

⁶ 33 C.F.R. § 52.24(b).

⁷ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

6. The applicant asked the Board to correct her DD 214 to show that she earned the Coast Guard Overseas Service Ribbon for her service in Puerto Rico from 2005 to 2008. The JAG recommended that the Board grant her request, and the Board agrees. Her record shows that she served in Puerto Rico from June 28, 2005, to May 27, 2008, and from August 24, 2015, to July 27, 2017, and received an OSR only for the latter tour of duty. The Medals and Awards Manual states that the ribbon is available to members who successfully complete a tour of duty of at least 12 months at an overseas shore-based duty, and subsequent awards of the ribbon are denoted by 3/16-inch stars attached to the ribbon. Puerto Rico is a U.S. Territory and overseas shore-based duty for the purpose of the OSR, so the Board finds that the applicant is eligible to receive the OSR for serving a tour of duty of more than 12 months in Puerto Rico from June 28, 2005, to May 27, 2008. Therefore, her military record and her 2008 DD 214 should be corrected to show that she received that OSR in 2008. Because she received another OSR in 2017, that second OSR and any other OSR she may receive in the future will be denoted by a 3/16-inch bronze star attached to the ribbon and will be reflected on her future DD 214s.

7. The applicant has proven by a preponderance of the evidence that her 2008 DD 214 does not accurately reflect all the medals and awards that she received or is eligible to receive. Accordingly, the Board will direct the Coast Guard to correct her May 27, 2008, DD 214 to show that she was awarded the Coast Guard Overseas Service Ribbon. All other requests should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application for correction of the military record of OS2 [REDACTED] USCG, is granted in part. The Coast Guard shall correct her May 27, 2008, DD 214 to show that she earned her first Overseas Service Ribbon for completing her tour of duty in Puerto Rico from 2005 to 2008. All other requests are denied.

September 4, 2020

