


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

Application for the Correction
of the Coast Guard Record of:

BCMR Docket No. 2020-055


MK3 (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 December 31, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated October 15, 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 machinery technician third class (MK3) who was discharged from the Coast Guard on November 4, 2003, asked the Board to correct his record and his DD 214¹ to include all the medals and awards he is eligible to receive for his service on a Coast Guard cutter in Iraq in 2003. He also asked that the Expert Rifle Ribbon be added to his DD 214.

The applicant argued that he is eligible to receive medals that are not currently listed on DD 214 because when he was released from active duty (RELAD) and transferred to the Reserve his "awards and training records were never forwarded" to his Reserve unit. He stated that he discovered the alleged errors in his record on December 3, 2019, but did not explain why he did not discover the alleged errors earlier.

¹ The DD Form 214 provides the member and the service with a concise record of a period of service with the Armed Forces at the time of the member's separation, discharge or change in military status (reserve/active duty). In addition, the form is an authoritative source of information for both governmental agencies and the Armed Forces for purposes of employment, benefit and reenlistment eligibility, respectively. The DD 214 is issued to members who change their military status among active duty, reserve, or retired components or are separated/discharged from the Coast Guard to a civilian status. Reservists released from continuous active duty for training (ADT) less than 90 days are not eligible to receive a DD 214. COMDTINST M1900.4D.

SUMMARY OF THE RECORD

The applicant's record shows that he enlisted in the Coast Guard on September 5, 2000, and was released from active duty into the Reserve on November 4, 2003. His record also shows that he served aboard a cutter from November 10, 2001, to November 4, 2003, and was aboard the cutter during its deployment to the North Arabian Gulf in support of Operations Enduring Freedom and Iraqi Freedom from February 6, 2003, to May 25, 2003.

The applicant's record contains a January 16, 2002, award citation for a Meritorious Team Commendation, which was awarded to the crew of a Coast Guard unit that the applicant was assigned to, for exceptionally meritorious service from November 2000 to April 2001 conducting the largest domestic icebreaking operation, Operation Taconite, during the 2000-2001 ice breaking season.

The applicant's record contains a Page 7 dated February 18, 2003, stating that he is eligible to wear the Sea Service Ribbon after having successfully completed one year of sea service.

The applicant's record contains a July 1, 2003, award citation for the Coast Guard Unit Commendation awarded to members of his cutter for exceptionally meritorious service from February 6, 2003, to May 23, 2003, while engaged in Coalition Maritime and Fifth Fleet missions in the North Arabian Gulf in support of Operation Enduring Freedom and Operation Iraqi Freedom.

The DD 214 that the applicant received upon his discharge on November 4, 2003, shows that he received the following medals and awards:

- Coast Guard Meritorious Unit Commendation with Gold Star
- Sharpshooter Pistol Shot Ribbon
- National Defense Service Medal
- Coast Guard Sea Service Ribbon

The applicant's record also contains a February 25, 2005, memorandum issued by the Commander, Coast Guard Pacific Area, stating that eligible crewmembers of the cutter listed on Enclosure 1 (eligibility roster) are authorized to wear the Global War on Terrorism Expeditionary Medal (GWOTEM) for their service in the war against terrorism from February 6, 2003, to May 25, 2003. Enclosure 1 is not in the applicant's record.

The applicant's record contains a Coast Guard Member Information sheet prepared on February 2, 2020, and the Honors and Awards Summary section on that sheet shows that he received the following during his active and reserve Coast Guard service:

Pistol Sharpshooter Ribbon - September 28, 2000
CG Meritorious Team Commendation Ribbon - January 16, 2002
Meritorious Unit Commendation Ribbon - March 15, 2002
National Defense Service Medal - May 15, 2002
CG Sea Service Ribbon - February 18, 2003

Unit Commendation Ribbon - July 1, 2003
CG Good Conduct Medal - September 5, 2003
Commandant's Letter of Commendation - October 7, 2003
CG Meritorious Team Commendation Ribbon - February 7, 2004
Global War Terrorism Service Medal - January 30, 2005
Global War Terror Expeditionary Medal - February 25, 2005
CG Presidential Unit Citation - May 25, 2006

APPLICABLE LAW AND REGULATIONS

Chapter 2.A.15 of COMDTINST M1650.25E, the Coast Guard Medals and Awards Manual, states that the Commandant's Letter of Commendation Ribbon may be awarded to any member of the Armed Forces of the United States including foreign military personnel serving in any capacity with the Coast Guard for an act or service resulting in unusual and/or outstanding achievement but lesser than that required for the Coast Guard Achievement Medal.

Chapter 5.A.13. of the Medals and Awards Manual states that the GWOTEM was established by Executive Order in 2003 and that eligibility for this medal for service in Iraq terminated on April 30, 2005, when the Iraq Campaign Medal (ICM) was authorized. The area of eligibility is limited to those personnel deployed abroad in Operation Enduring Freedom and Iraqi Freedom in specific geographic areas.

Chapter 5.A.13.b.(2) of the Medals and Awards Manual states that "members will not be entitled to more than one of the GWOTEM, ICM, Afghanistan Campaign Medal (ACM) or Armed Forces Expeditionary Medal for the same act, achievement, or period of service. Only one campaign or expeditionary medal will be earned for a single deployment or tour."

Chapter 5.A.13.d.(2) of the Medals and Awards Manual states that members "who elect to retain the GWOTEM for qualifying service in Afghanistan or Iraq prior to May 1, 2005, are eligible to earn the ACM or ICM, respectively, for subsequent deployments within the ACM or ICM area of eligibility. Under no circumstances will an individual be eligible for both medals for the same action, time period, or service."

Chapter 5.A.13. of the manual that went into effect in 2016, states that the Global War on Terrorism Service Medal (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.

Enclosure 11 to the manual states that to receive a Good Conduct Medal (GCM) after July 1, 1983, a member had to have completed three consecutive years of active duty with no NJP, court martial, no misconduct, and no equivalent civil action.

Chapter 5.A.25.a. of the Medals and Awards Manual states that expert medals and marksmanship ribbons will be awarded for achieving specified scores over a prescribed course of fire. The Ordnance Manual, COMDTINST M8000.2 (series), provides complete information regarding qualification requirements for these awards and other marksmanship distinctions.

- (1) Expert Rifleman Medal. Awarded to Coast Guard personnel who qualify as expert with the service rifle over a prescribed course of fire.
- (2) Expert Pistol Shot Medal. Awarded to Coast Guard personnel who qualify as expert with the service pistol over a prescribed course of fire.
- (3) Rifle Marksmanship Ribbon. Authorized for each Coast Guard person who qualifies as marksman or better with the service rifle over a prescribed course of fire. The ribbon is worn without any device for marksman qualification.

VIEWS OF THE COAST GUARD

On May 6, 2020, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which she recommended that the Board grant alternative relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

After performing a thorough review of the applicant's record, PSC recommended that his record be corrected to show that he is eligible to receive the following awards and medals:

1. GWOTEM
2. GWOTSM
3. Coast Guard Unit Commendation with operational distinguishing device
4. Commandant's Letter of Commendation
5. Coast Guard Good Conduct Medal
6. Meritorious Team Commendation Ribbon

The JAG argued that the applicant's service aboard the cutter from February 6, 2003, to May 25, 2003, in support of Operation Enduring Freedom and Operation Iraqi Freedom qualifies him for the GWOTEM. The JAG also argued that the applicant is eligible to receive the GWOTSM because he served on active duty from September 5, 2000, to November 4, 2003. The JAG noted that he is eligible for both the GWOTEM and the GWOTSM under Article 5.A.12.b.(3) of the Coast Guard Military Medals and Awards Manual, which provides that "Coast Guard members may be awarded both the Global War on Terrorism Expeditionary Medal and the Global War on Terrorism Service Medal if they meet the criteria for both awards; however, the qualifying period of service used to establish eligibility for one award cannot be used to justify eligibility for the other award." Here, the JAG argued, the applicant's service in the Coast Guard before he served aboard the cutter was a qualifying period of service that independently established his eligibility for the GWOTSM.

The JAG argued that the applicant is also eligible to receive a Coast Guard Unit Com-

commendation for the period of meritorious service from February 6, 2003, to May 25, 2003. The JAG noted that the applicant's record contains a July 1, 2003, award citation for the Coast Guard Unit Commendation awarded to crewmembers of the cutter and that the record shows that he served on that cutter during the eligibility period for the Unit Commendation.

The JAG also recommended that the Board correct the applicant's DD 214 to show that he received the CG Commandant Letter of Commendation Ribbon because the award is listed on the applicant's Member Information Sheet.

The JAG recommend that the applicant's DD 214 should also be corrected to show that he received the Coast Guard Good Conduct Medal. The JAG noted that he is eligible to receive the GCM for his service aboard a cutter.

Finally, the JAG recommended that the applicant's record be corrected to show that he earned the CG Meritorious Team Commendation Ribbon for exceptional meritorious service from November 2000 to April 2001. The JAG noted that his Member Information Sheet confirms that he was a member of a unit that was eligible to receive the Ribbon.

In its recommendation to the JAG, PSC stated that partial relief should be granted by correcting the applicant's DD 214 to show that he received the GWOTEM. However, PSC recommended denying the applicant's request to correct his DD 214 to reflect his service aboard the cutter because this information is already and accurately reflected on his DD 214. PSC also recommended that that applicant's request to add the Expert Rifle Ribbon to his DD 214 should be denied because there is no documentation contained in his service record showing that he earned the ribbon. Nor did the applicant provide any documentation proving that he earned the ribbon.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 21, 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 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 submitted his application to the Board on June 11, 2019, but was discharged and received his DD 214 on November 4, 2003. Because he received his DD 214 and presumably knew its contents in 2003, the preponderance of the evidence shows that his application is untimely. However, because the Coast Guard has identified clear omissions on his DD 214 which should be corrected, the Board finds that it is in the interest of justice to waive the statute of limitations in this case.

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

2. The applicant alleged that his military record and DD 214 should be corrected to reflect the medals and awards that he earned while assigned to a cutter in Iraq from November 2002 to November 2003. He also asked that the Expert Rifle Ribbon be added to his DD 214. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in the military record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.³ 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."⁴

3. The Board finds that the applicant's DD 214 does not accurately reflect all of the medals and awards that he is eligible to receive. His DD 214 shows that he received four awards/medals during his three years on active duty, but the record shows that he is eligible to receive several more. In addition to the awards and medals listed on his DD 214, the applicant is also eligible to receive the GWOTEM because the record shows that he served aboard the cutter from November 10, 2001, to November 4, 2003, and was aboard the cutter in the North Arabian Gulf in support of Operations Enduring Freedom and Iraqi Freedom. Chapter 5.A.13. of the Medals and Awards Manual states that the GWOTEM is awarded to members who deployed abroad in support of Operation Enduring Freedom and Iraqi Freedom. Moreover, the applicant's record contains a February 25, 2005, memorandum stating that eligible crewmembers of the cutter are authorized to wear the GWOTEM for their service in the war against terrorism from February 6, 2003, to May 25, 2003.

4. The Board also finds that the applicant's DD 214 should be corrected to show that he received the GWOTSM. His record shows that he served on active duty from September 5, 2000, to November 4, 2003, and Chapter 5.A.13 of the Medals and Awards Manual states that the GWOTSM is awarded to members who served on active duty for a period of not less than 30 consecutive days or 60 non-consecutive days between September 11, 2001, through January 30, 2005. The applicant had fulfilled that requirement before his cutter deployed to the North Arabian Gulf on February 6, 2003. Therefore, no portion of his qualifying period of service for the GWOTEM is needed to justify his eligibility for the GWOTSM.

5. After reviewing the applicant's record, the Coast Guard recommended that the Board correct his record to show that he received a Coast Guard Good Conduct Medal (GCM). The Board agrees. His Member Information Sheet shows that he received the GCM, and Enclosure 11 to the Medals and Awards Manual states that to receive a Good Conduct Medal (GCM) after July 1, 1983, a member had to have completed three consecutive years of active duty with no NJP, court martial, no misconduct, and no equivalent civil action. The applicant's record shows that he served three years and two months on active duty from 2000 to 2003 and there is no NJP, court martial, misconduct, or equivalent civil action in his record that would terminate his eligibility for the GCM. Accordingly, the Board should direct the Coast Guard to correct the applicant's DD 214 to show that he received the GCM.

³ 33 C.F.R. § 52.24(b).

⁴ *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 JAG argued that the applicant is also eligible to receive a Coast Guard Unit Commendation for his service aboard the cutter from February 6, 2003, to May 25, 2003. The Board agrees. The applicant's record contains a July 1, 2003, award citation for the Coast Guard Unit Commendation awarded to crewmembers of cutter, and the record shows that he served on that cutter from November 10, 2001, to November 4, 2003, which is during the eligibility period cited in the July 1, 2003, award citation. Accordingly, the Board should order the Coast Guard to correct the applicant's DD 214 to show that he earned the Coast Guard Unit Commendation.

7. The JAG argued that the applicant's DD 214 should be corrected to show that he received a CG Meritorious Team Commendation Ribbon. The Board agrees. The Member Information Sheet in his military record shows that he earned two Meritorious Team Commendation Ribbons – one on January 16, 2002, and one on February 7, 2004. The Board finds that his DD 214 should be corrected to show that he earned a CG Meritorious Team Commendation Ribbon, but the second ribbon should not be included on his DD 214 because it was awarded in 2004, which is after the period of active duty reflected on his DD 214. The record does not indicate what period of service this ribbon was awarded for.

8. The JAG argued that the applicant's DD 214 should be corrected to show that he received a Commandant's Letter of Commendation. The Board agrees. The Member Information Sheet in his record shows that he received the commendation on October 7, 2003, but it is not listed on his DD 214 documenting his active service from September 5, 2000, to November 4, 2003. Accordingly, the Board should order the Coast Guard to correct the applicant's DD 214 to include the Commandant's Letter of Commendation.

9. The applicant asked the Board to correct his DD 214 to show that he received the Expert Rifle Ribbon. The JAG recommended denying this request, and the Board agrees. The Board finds that there is nothing in his record to show that he earned the ribbon, nor did he provide any documentation proving that he earned the ribbon while on active duty.

10. The applicant's Member Information Sheet shows that he received the CG Presidential Unit Citation on May 25, 2006. The Board notes that this award should not be listed on his DD 214 because his DD 214 documents his active service from 2000 to 2003, the citation was awarded in 2006, and the record does not show the period of service for which he earned this award.

11. The applicant has proven by a preponderance of the evidence that his DD 214 does not list all the medals, awards, and commendations that he received or is eligible to receive. Accordingly, the Board should order the Coast Guard to correct his DD 214 to show that he earned the following, in addition to those already on his DD 214:

- Global War on Terrorism Service Medal
- Global War on Terrorism Expeditionary Medal
- Coast Guard Good Conduct Medal
- Coast Guard Unit Commendation
- CG Meritorious Team Commendation Ribbon
- Commandant's Letter of Commendation

ORDER

The application of former MK3 [REDACTED], USCG, for correction of his military record is granted as follows: His DD 214 dated November 4, 2003, shall be corrected to show that he had earned the following medals and awards:

- Global War on Terrorism Service Medal
- Global War on Terrorism Expeditionary Medal
- Coast Guard Good Conduct Medal
- Coast Guard Unit Commendation with operational distinguishing device
- Coast Guard Meritorious Team Commendation Ribbon
- Commandant's Letter of Commendation

October 15, 2020

