


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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2020-059


MK2 (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 January 1, 2020, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated September 25, 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 second class (MK2) who was discharged from the Coast Guard on January 29, 2002, asked the Board to correct his DD 214 to show that he received the National Defense Service Medal (NDSM) and the Global War on Terrorism Service Medal (GWOTSM) and to show that he served in Operation Noble Eagle (ONE).¹ In support of his application, he submitted a copy of his DD 214 which is included in the Summary of the Record below.

The applicant argued that his DD 214 should be corrected to show that he received the two medals and that he served in ONE because he served on active duty from 1999 to 2002 and that this was during the time frame during which the NDSM and the GWOTSM were authorized. The applicant stated that he discovered the alleged errors in his record on September 4, 2019.

SUMMARY OF THE RECORD

The applicant's record shows that he enlisted in the Coast Guard on March 3, 1999. After completing recruit training he attended and graduated from MK "A" School. During his enlistment,

¹ Operation Noble Eagle, the military's Homeland Defense mission, officially began on September 12, 2001, the day after the attacks on the World Trade Center and the Pentagon. Air National Guard, U.S. Air Force and U.S. Navy fighters began flying combat air patrol missions over major cities and critical infrastructure locations such as power plants, bridges, airports, and port facilities across the United States. <https://www.nationalguard.mil/Resources/Image-Gallery/Historical-Paintings/Heritage-Series/Noble-Eagle/> (last visited September 3, 2020).

he was assigned to a couple of shore units and performed almost five months of sea service aboard a cutter homeported on the East Coast. There is no evidence that he served overseas.

The applicant's DD 214 shows that he served on active duty from March 3, 1999, to January 29, 2002, and was honorably discharged upon completing his required active service. His DD 214 shows that he received the Coast Guard Meritorious Team Commendation with Two Gold Stars and the Coast Guard Special Operations Service Ribbon.

APPLICABLE LAW AND REGULATIONS

Chapter 5.A.4 of COMDTINST M1650.25E, the Coast Guard Medals and Awards Manual, states that the NDSM is awarded to personnel who perform Honorable active service as a member of the Armed Forces for any period (inclusive) from June 27, 1950, to July 28, 1954; from January 1, 1961, to August 14, 1974; from August 2, 1990, to November 30, 1995; or from September 12, 2001, to a date to be determined by the Secretary of Defense.

Chapter 5.A.13 of the 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 after January 30, 2005.

COMDTINST M1900.4D contains the instructions for completing the DD 214, and states that Block 18 (Remarks) may consist of information not shown elsewhere on the form. Only the specific entries or in supplementary directives will be made in this block. The specific entries cited in the instructions do not include noting that a member participated in specific operations, such as ONE.

Enclosure 1 to CGPSCINST 1900.1A, the instructions for preparing the DD 214, states that Block 18 of the DD 214 may include Department of Defense contingency operations. It states that the member and their SPO should work together in gathering the required documentation validating participation. These documents can include (but are not limited to) TDY orders, travel claims, and personal / unit / team awards. Entries shall be listed as follows: "MEMBER PARTICIPATED IN DIRECT SUPPORT OF OPERATION ENDURING FREEDOM."

VIEWS OF THE COAST GUARD

On April 21, 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).

PSC argued that the application was not timely filed. Regarding the merits of the case, the PSC recommended that partial alternative relief be granted in the form of a corrected DD 214 or a DD 215 showing that the applicant earned the NDSM and the GWOTSM. PSC noted that while the applicant is entitled to the NDSM and GWOTSM simply because he served on active duty between September 11, 2001, and January 30, 2005, he is not entitled to a ONE notation simply because of his time in service. PSC argued that only members who participated in direct support of contingency operations would have a contingency operations statement entered in Block 18 of the DD

Form 214, and argued that the applicant does not meet the eligibility requirement because he did not directly participate in or support ONE before his separation on January 29, 2002.

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 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 December 20, 2019, but he was discharged and received his DD 214 on January 29, 2002. Although his request regarding participation in ONE is untimely, the record shows that his requests for the medals are timely because they were authorized after his discharge from the Coast Guard, he claimed that he discovered the errors in 2019, and there is no evidence showing why or how he might have discovered the alleged errors earlier than he did.

2. The applicant alleged that his DD 214 is erroneous because it does not show that he received the NDSM or the GWOTSM or that he participated in ONE. In considering allegations of error and injustice, 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. 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."

3. National Defense Service Medal. The Coast Guard recommended that the applicant's DD 214 be corrected to show that he earned the NDSM. The Board agrees. Chapter 5.A.4 of the Awards Manual states that the NDSM is awarded to personnel who perform Honorable active service as a member of the Armed Forces for any period after September 12, 2001, to a date to be determined by the Secretary of Defense. The Board finds that the applicant is eligible for the medal pursuant to the Awards Manual because his record shows that he performed honorable active service from March 3, 1999, to January 29, 2002.

4. Global War on Terrorism Service Medal. The Coast Guard recommended that the applicant's DD 214 be corrected to show that he earned the GWOTSM. The Board agrees. He is eligible to receive the GWOTSM because the record shows that he served on active duty from March 3, 1999, to January 29, 2002, and Chapter 5.A.13 of the Awards Manual states that members may earn the GWOTSM by serving on active duty from September 11, 2001, through January 30, 2005.

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

5. Operation Noble Eagle. The Coast Guard recommended that the Board deny the applicant's request to correct his DD 214 to show that he served in Operation Noble Eagle. The Board agrees. He is not entitled to a ONE notation on his DD 214 because there is nothing in his record to show that he participated in direct support of ONE or in direct support of any contingency operations prior to his separation on January 29, 2002. The record shows that he was on active duty during ONE, but the instructions for preparing the DD 214 state that while Block 18 may include Department of Defense contingency operations, the entry must be supported by evidence that the member participated in a contingency operation. Evidence can include (but is not limited to) TDY orders, travel claims, and personal/unit/team awards. There is no such evidence in the applicant's record, but the Board will reconsider the applicant's request if he can provide substantial evidence that he participated in ONE.

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 is eligible to receive. Accordingly, the Board will direct the Coast Guard to correct the applicant's DD 214 to show that he was awarded the National Defense Service Medal and the Global War on Terrorism Service Medal. The applicant's request to have participation in ONE included on his DD 214 should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former MK2 [REDACTED], USCG, for correction of his military record is granted in part. The Coast Guard shall issue him a DD 215 correcting his DD 214 dated January 29, 2002, to show that he earned the National Defense Service Medal and the Global War on Terrorism Service Medal.

September 25, 2020

