


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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2020-146**

  
CS1 (former)

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**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 29, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision dated October 14, 2022, 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 culinary specialist first class (CS1) who was discharged from the Coast Guard on July 25, 2014, asked the Board to correct his DD 214<sup>1</sup> to show that he earned the following medals and awards:

- Coast Guard Reserve Good Conduct Medal
- Global War on Terrorism Service Medal
- Coast Guard Unit Commendation Medal
- Coast Guard Achievement Medal
- Humanitarian Service Medal
- Armed Forces Reserve Medal Ribbon with "M" Device

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<sup>1</sup> 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. COMDTINST M1900.4D.

In support of his request, the applicant submitted a copy of his Coast Guard Member Information Sheet printed from the Coast Guard's Direct Access personnel database, which shows that he was issued the following honors and awards on the following dates:

- Coast Guard Pistol Marksman Ribbon - June 18, 2009
- National Defense Service Medal - July 16, 2009
- Coast Guard Meritorious Team Commendation Ribbon - July 25, 2011
- Coast Guard Good Conduct Medal - May 25, 2012
- Coast Guard Meritorious Team Commendation Ribbon - October 11, 2013
- Coast Guard Overseas Service Ribbon - May 28, 2014
- Coast Guard Good Conduct Medal - May 25, 2015
- Coast Guard Special Ops Service Ribbon - June 1, 2015
- Coast Guard Pistol Marksman Ribbon - July 28, 2015
- Global War on Terrorism Expeditionary Medal OFS - January 17, 2017
- Coast Guard Port Security Insignia - January 27, 2017
- Coast Guard Overseas Service Ribbon - March 8, 2017
- PSU Special Duty Point - October 27, 2017
- Coast Guard Unit Commendation Ribbon - March 16, 2018
- Coast Guard Achievement Medal - June 23, 2018
- Humanitarian Service Medal - July 19, 2018

The applicant stated that he discovered the alleged error in his record on August 27, 2020, and argued that the Board should correct his DD 214 because his military record "needs to reflect the actual awards" that he earned during his military service.

### SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on May 26, 2005. After completing recruit training he attended FS "A" School.

On July 25, 2014, the applicant was released from active duty into the Selected Reserve (SELRES). His DD 214 documenting his active service shows that he received the following decorations, medals, badges, citations, and campaign ribbons:

- Coast Guard Good Conduct Medal
- Coast Guard Meritorious Team Commendation Ribbon
- Coast Guard Overseas Service Ribbon
- Coast Guard Pistol Marksman Ribbon
- National Defense Service Medal

A statement of creditable service shows that the applicant served 122 days on extended active duty (EAD),<sup>2</sup> from September 1, 2016, to December 31, 2016. His record does not contain

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<sup>2</sup> Extended Active Duty (EAD) – periods of authorized active duty for reservists to fill a vacant PAL position and serve in the active component (AC), in accordance with Reference (a), Title 10 U.S.C. §12301(d) and §12311. Reservists serving on EAD count towards the Coast Guard AC end-strength. EAD is used to provide reserve support for a contracted period to fill personnel shortages in specific pay grades, ratings or specialties. Article 3.B.2.b of the Reserve Policy Manual.

a DD 214 documenting this period of active service.

On August 2, 2018, the applicant was discharged from the Coast Guard Reserve.

### **VIEWS OF THE COAST GUARD**

On March 11, 2021, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief. In doing so, he adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC recommended that relief be denied because the applicant is seeking to have awards added to his DD 214 that he received after leaving active duty service. PSC noted that the applicant was released from active duty on July 25, 2014, and earned the following awards on the following dates during his time as a reservist:

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|--|------------------|
| 1) Global War on Terrorism Expeditionary Medal | January 17, 2017 |
| 2) Unit Commendation Ribbon                    | March 16, 2018   |
| 3) Achievement Medal                           | June 23, 2018    |
| 4) Humanitarian Service Medal                  | July 19, 2018    |

PSC also recommended that relief be denied because there is no evidence that the applicant received a Reserve Good Conduct Medal. Finally, PSC recommended that relief be denied because the applicant is not entitled to receive the Armed Forces Reserve Medal. The applicant began his Reserve service on July 26, 2014, and ended it on August 2, 2018. Accordingly, PSC argued that the applicant does not meet the 10 years of service requirement for the Armed Forces Reserve Medal as described in the Coast Guard Military Medals and Awards Manual.

The JAG argued that the applicant failed to show that the Coast Guard committed an error or injustice. The JAG stated that the applicant is requesting that his DD 214 encompass a greater length of service than what is reflected on his current form. The JAG stated that in accordance with Article 2.d. of DoDI 1336.02, the applicant properly received a DD 214 after he was released from active duty in 2014. The JAG acknowledged that the applicant continued to serve in a Reserve capacity until his discharge on August 2, 2018. However, the JAG argued that the applicant's request to modify his 2014 DD 214 in order to capture awards he received while in the Reserve is prohibited by policy. Further, the JAG argued that the applicant did not satisfy the requirements for issuance of a DD 214 for the period of service from 2014 to 2018 in which the awards could be included.

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

On March 16, 2021, the BCMR sent the applicant a copy of the Coast Guard's recommendation and invited him to submit a response. The Board did not receive a response.

## APPLICABLE LAW AND REGULATIONS

COMDTINST 1900.4B was issued in 1979 and contains the Commandant's instructions for completing the DD 214. Chapter 1.A.1.b states that the DD 214 will only be furnished to members being separated from a period of active duty when they have served 90 days or more.

Article 1.C.1 of the instructions state that Block 13 shall contain all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service.

Chapter 5.A.2 of the Coast Guard Military Medals and Awards Manual, COMDTINST M1650.25E, states that the Reserve Good Conduct Medal is issued to Reserve enlisted members who have been recommended by their Commanding Officers for proficiency in rating, sobriety, obedience, industry, courage, and neatness throughout each qualifying period of service. The required period of service is three consecutive years.

Chapter 5.A.24 of the Medals and Awards Manual states that the Armed Forces Reserve Medal is awarded for honorable and satisfactory service as a member or former member of one or more of the Reserve components of the Armed Forces of the United States, including the Coast Guard Reserve for a period of 10 Years. Such years of service must have been performed within a period of 12 consecutive years and with a minimum of 50 points per qualifying year. Service in a regular component of the Armed Forces is excluded, except active duty service performed by members of a reserve component will be included.

Chapter 5.A.24.c of the Medals and Awards Manual states that the Mobilization ("M") Device is authorized for members who qualified for the Armed Forces Reserve Medal under subparagraphs 5.24.a.(2) through (3), above. Coast Guard Reserve members who receive orders changing their duty status or legal authority under which they perform duty, their duty location, or assignment to support a contingency operation are eligible for the award. Only one award of the mobilization device is authorized per contingency or operation.

## 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.<sup>3</sup> The applicant was discharged from active duty and received his DD 214 on July 25, 2014, and submitted his application to the Board on August 27, 2020. Therefore, 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

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<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.

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> Pursuant to these requirements, the Board finds the following:

a. The applicant did not explain or justify why he waited more than five years after his discharge to request correction of 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 DD 214 is correct because it documents all of the medals and awards that he was eligible to receive during his time on active duty from May 25, 2009, to July 25, 2014. The following medals and awards earned by him should not be included on his DD 214 because they were earned after his discharge from active duty: Coast Guard Unit Commendation Medal; Global War on Terrorism Service Medal; Coast Guard Achievement Medal; and Humanitarian Service Medal.

c. The applicant asked the Board to correct his record to show that he earned the Armed Forces Reserve Medal, but the Board finds that there is nothing in his record to show that he earned the medal, nor is he eligible for the medal. Chapter 5.A.24 of the Medals and Awards Manual states that the Armed Forces Reserve Medal is awarded for honorable and satisfactory service as a member or former member of the Coast Guard Reserve for a period of ten years. The applicant is not eligible for the medal because he served in the SELRES for only four years.

d. There is nothing in the applicant’s record to show that he earned the Reserve Good Conduct Medal. Further, the he did not provide any evidence that he received the medal.

3. A Statement of Creditable Service in the applicant’s record shows that he served on EAD for a period of 122 days, from September 1, 2016, to December 31, 2016. However, his record does not contain a DD 214 documenting this period of active service. Chapter 1.A.1.b of the Commandant’s instructions for completing the DD 214 states that a DD 214 will be furnished to members being separated from a period of active duty when they have served 90 days or more consecutively. Accordingly, the Board will order the Coast Guard to prepare and place into the applicant’s record a DD 214 documenting his active EAD service from September 1, 2016, to December 31, 2016.

4. Accordingly, the Board will not excuse the application’s untimeliness or waive the statute of limitations and the applicant’s request should be denied, but the Coast Guard should prepare and place into his record a DD 214 documenting his extended active duty from September 1, 2016, to December 31, 2016. All medals and awards he received for service prior to December 31, 2016, shall be included on this new DD 214.

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<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).

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

**ORDER**

The application of former CS1 [REDACTED] [REDACTED] USCG, for correction of his military record is denied. However, the Coast Guard shall prepare and send him a DD 214 documenting his extended active duty from September 1, 2016, to December 31, 2016. All medals and awards he received for service prior to December 31, 2016, shall be included on this new DD 214. All other requests are denied.

October 14, 2022

[REDACTED] [REDACTED] Digitally signed by [REDACTED]  
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