

**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. 2021-013**

  
OS1 (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 December 11, 2020, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision dated August 6, 2021, 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 operations specialist first class (OS1) who served on active duty in the Coast Guard from February 3, 1998, to December 29, 2004, alleged that numerous medals and awards are missing from her record and asked the Board to add them to her DD 214<sup>1</sup>. She argued that she is eligible for the medals because she was attached to Port Security Unit (PSU) 309 during its 2003 overseas deployment during Operation Enduring Freedom. She stated that the following medals and awards are missing from her DD 214:

- Coast Guard Meritorious Unit Commendation Medal (MUC)
- Navy Marine Corps Overseas Deployment Ribbon<sup>2</sup>
- Global War on Terrorism Expeditionary Medal (GWOTEM)

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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.

<sup>2</sup> The Coast Guard Medals and Awards Manual does not list a Navy Marine Corps Overseas Deployment Ribbon, but the Navy/Marine Corps Seas Service Deployment Ribbon and the Navy/Marine Corps Overseas Service Ribbon are listed in the award precedence section. However, neither is listed as a medal currently available to members of the Coast Guard. COMDTINST M1650.25D.

In support of her request, the applicant submitted a paragraph allegedly from the Coast Guard's web page for PSU 309,<sup>3</sup> which states the following:

In February 2003, PSU 309 was recalled to active duty to participate in Operation Enduring Freedom to help in the war on terrorism. They were shipped to Sicily to help guard U.S. and allied ships in transit to Iraq, and were slated to move into Turkish ports to aid security forces in that country. For their outstanding performance of duty, the unit received yet another Coast Guard Meritorious Unit Commendation, the Navy/Marine Corps Overseas Deployment Ribbon and the Global War on Terrorism Expeditionary Medal. Many individuals also received further award recognition for their performance of duty.

The applicant also submitted a copy of her DD 214, which shows that she earned the following decorations, medals, badges, citations, and campaign ribbons during her active service in the Coast Guard from 1998 through 2004:

- Coast Guard Meritorious Team Commendation Ribbon with one gold star
- Coast Guard Special Operations Service Ribbon
- Coast Guard Unit Commendation Award
- National Defense Service Medal
- Second Coast Guard Good Conduct Award
- Transportation 9-11 Ribbon

The applicant stated that the alleged errors occurred in 2003 and that she discovered them in her record in 2020. She did not state why the Board should waive the statute of limitations and consider her application.

### SUMMARY OF THE RECORD

The applicant's military record includes the following pertinent documentation:

- 1) An enlistment contract which shows that she enlisted in the active duty Coast Guard on February 3, 1998.
- 2) A print-out from the Coast Guard personnel database (Direct Access) shows that she was assigned to Group St. Petersburg as an active duty Operations Specialist from March 1, 2002, until she was discharged in December 2004.
- 3) A Chronological Record of Service shows that she was assigned to PSU 309 in support of Operation Enduring Freedom from February 5, 2003, to April 10, 2003.
- 4) A DD 214 shows that she served on active duty in the Coast Guard from February 3, 1998, to December 29, 2004; performed no foreign service; and was honorably discharged and released to the Individual Ready Reserve (IRR) after completing her required active service. There is no documentation in the record before the Board to show that she performed any active or inactive duty as a member of the IRR.

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<sup>3</sup> <http://www.uscg.mil/LANTAREA/psu309/>. A member of the BCMR staff attempted to reach this page, but it automatically redirects to the home page for the U.S. Coast Guard Atlantic Area.

- 5) The Honors and Awards Summary on the applicant's Coast Guard Member Information Sheet shows that she earned the following medals and awards:
- a) CG Good Conduct Medal February 2, 2001
  - b) CG Meritorious Team Commendation Ribbon February 20, 2001
  - c) CG Unit Commendation Ribbon April 22, 2002
  - d) CG Special Operations Service Ribbon March 22, 2002
  - e) National Defense Service Medal May 15, 2002
  - f) DOT 9-11 Ribbon September 11, 2002
  - g) CG Meritorious Team Commendation Ribbon January 3, 2003
  - h) CG Good Conduct Medal February 2, 2004
  - i) CG Meritorious Team Commendation Ribbon December 2, 2004
  - j) GWOTSM January 30, 2005
  - k) CG Meritorious Unit Commendation Ribbon April 13, 2006

#### **APPLICABLE LAW AND REGULATIONS**

COMDTINST M1900.4D contains the Commandant's instructions for completing the DD 214, and Chapter 1.D.2 provides that it must be accurate as of the date of separation.

Chapter 1.E. of the instruction states that block 13 of a DD 214 should show "all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service."

Chapter 3.A.1.a. of the of the Coast Guard Medals and Awards Manual, COMDTINST M1650.25D, states that personnel assigned or attached to units authorized unit awards are entitled to wear a ribbon or device if the person was assigned or attached to the cited unit and was present during at least 50 percent of the award period with the following exceptions:

(1) Commanding officers or officers-in-charge of cited units may recommend eligibility for personnel who did not meet the time criteria, but who directly and positively contributed to the unit's outstanding performance. The awarding authority will make the final decision in these cases.

(2) If a person's behavior during the cited period was considered detrimental or obstructive to the unit's high performance, even though the member may have met the 50 percent criteria, then the unit award may be denied or revoked for that person. The commanding officer or officer-in-charge must provide documentation, such as from service record entries, non-judicial punishment, or courts-martial to the awarding authority who will make the final decision in these cases.

Chapter 3.B.3 of the Medals and Awards Manual states that the Coast Guard Meritorious Unit Commendation (MUC) was authorized by the Commandant on November 13, 1973, and may be awarded to any unit of the Coast Guard that has distinguished itself by either valorous or meritorious achievement or service in support of Coast Guard operations not involving combat.

The Commandant may also bestow the award upon a unit of another branch of the Armed Forces of the United States, provided the unit meets the standards established for Coast Guard units.

Enclosure 7 of the Medals and Awards Manual states that the Coast Guard MUC was awarded to members of PSU 309 for their participation in Operation Enduring Freedom/ Operation Iraqi Freedom from November 1, 2002, to November 1, 2003.

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 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. The area of eligibility (AOE) is limited to those personnel deployed abroad in operations including Enduring Freedom and Iraqi Freedom. To be eligible for the medal, the member must be bona fide member of a unit participating in or directly supporting the operation for 30 consecutive days in the AOE or for 60 non-consecutive days.

Chapter 13.b.3. of the Medals and Awards Manual states Coast Guard members may be awarded both the GWOTEM and the GWOTSM 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.

Enclosure 23 of the Medals and Awards Manual states that the GWOTEM is awarded only to members of PSU 309 who served in Operation Enduring Freedom while stationed in Kuwait from June 21, 2012, to September 27, 2012.

Chapter 5.A.14 of the 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.

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

On May 3, 2021, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case. In doing so, he adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

The JAG argued that relief should be denied because the application is untimely and the applicant failed to procure and submit with her application “such evidence that is sufficient to

support her burden of proving the existence of an error or injustice by the preponderance of the evidence.”

PSC recommended that relief be denied because the application is untimely, and the applicant is not eligible to receive any of the awards she is seeking. With regards to the applicant’s request to have the Coast Guard MUC for Operation Enduring Freedom/Operation Iraqi Freedom added to her DD 214, PSC argued that she is not eligible to receive the medal. PSC noted that according to the Military Medals and Awards Manual, PSU 309 was awarded the medal for its service in the operations from November 1, 2002, to November 1, 2003, and that according to Chapter 3 of the manual, members are eligible for the award if they were assigned or attached and were present during at least 50 percent of the award period. PSC argued that the applicant does not appear to meet the 50 percent criteria because according to the Chronological Record of Service submitted by the applicant, she served with PSU 309 in support of Operation Enduring Freedom from February 5, 2003, to April 10, 2003, having served for approximately three months of the twelve-month eligibility period.

PSC recommended that the applicant’s request to receive the GWOTEM be denied because she did not serve during a time for which the GWOTEM was authorized. PSC noted that she served with PSU 309 from February 5, 2003, to April 10, 2003, and according to Enclosure 23 of the Medals and Awards Manual, the medal was awarded only to members of PSU 309 who served in Operation Enduring Freedom while stationed in Kuwait from June 21, 2002, to September 27, 2002.

Finally, PSC argued that the applicant’s request to have the Navy Marine Corps Overseas Deployment Ribbon should be denied because PSU 309 is not listed in the Coast Guard Medals and Awards Manual as being eligible for the award.

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

On May 15, 2021, the BCMR sent the applicant a copy of the Coast Guard’s recommendation and invited her to submit a response. 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.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.<sup>4</sup> The applicant was discharged from active duty and received her DD 214 on December 24, 2004, and submitted her application to the Board on September 15, 2020. She stated that the errors occurred in 2003 but that she did not discover them until 2020. Therefore, the preponderance of the evidence shows that the applicant should have known of the alleged error in her record in 2003, and her application is untimely.

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<sup>4</sup> 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>5</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>6</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>7</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 she waited more than 15 years after her discharge to request correction of her military record. She failed to show that anything prevented her from seeking additional medals for her service in support of PSU 309 more promptly.

b. A cursory review of the merits of this case shows that the applicant’s claims lacks potential merit. She asked the Board to correct her record to show that she earned the Coast Guard MUC, but her record shows that she already received the ribbon on April 13, 2006. Her record shows that she served with PSU 309 in support of Operation Enduring Freedom from February 5, 2003, to April 10, 2003, and Enclosure 7 to the Medals and Awards Manual states that the MUC was awarded to members of PSU 309 for their participation in that operation from November 1, 2002, to November 1, 2003. Chapter 3 of the manual states that to be eligible for the MUC, the member must be present during at least 50 percent of the award period, and the applicant does not appear to have met this 50-percent criterion. However, the Board notes that her Command may have recommended that she receive the award. Accordingly, the Board will not order the Coast Guard to remove the award from her record.

c. The applicant asked the Board to correct her record to show that she earned the Navy Marine Corps Overseas Deployment Ribbon, but the Board notes that the medal is not listed in the Coast Guard Medals and Awards Manual as an authorized ribbon for members of the Coast Guard. Nor is there any evidence to show that she was serving with PSU 309 during the period for which that unit was allegedly awarded the ribbon.

d. The applicant asked the Board to correct her record to show that she earned the GWOTEM. The Board finds that she is not eligible for the medal because she served with PSU 309 from February 5, 2003, to April 10, 2003, and according to Enclosure 23 of the Medals and Awards Manual, the medal was awarded only to members of PSU 309 who served in Operation Enduring Freedom while stationed in Kuwait from June 21, 2012, to September 27, 2012. Moreover, Chapter 13.b.3. states that members are not allowed to receive the GWOTEM and the GWOTSM for the same period of service, and the

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<sup>5</sup> *Id.*; 33 C.F.R. 52.22.

<sup>6</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>7</sup> *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

applicant already received the GOWTSM for her service during Operation Enduring Freedom.

4. The applicant has not submitted any evidence of the alleged errors in her record, and so the Board will not excuse the application's untimeliness or waive the statute of limitations. Her request for the three medals should be denied.

5. The Board notes, however, that the applicant's DD 214 does not include the GWOTSM that she received on January 30, 2005, or the Coast Guard MUC that she was awarded on April 13, 2006. Although these were awarded after her release from active duty, the record indicates that they were earned during the period of enlistment covered by her DD 214. Accordingly, the Coast Guard should correct her DD 214 to show that she received the GWOTSM and the Coast Guard MUC.

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



**ORDER**

The application of former OS1 [REDACTED] [REDACTED] USCG, for correction of her military record is denied. However, the Coast Guard shall correct her DD 214 to show that she is entitled to wear the Global War on Terrorism Service Medal, which was awarded on January 30, 2005, and the Coast Guard Meritorious Unit Commendation, which was awarded on April 13, 2006.

August 6, 2021

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