

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2021-063

██████████ ██████████ ██████████
DC3 (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 April 19, 2021, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated June 10, 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 Damage Controlman third class (DC3) who served in the Coast Guard Reserve from 1968 to 1974, asked the Board to correct his DD 214¹ to show that he received the following medals and awards:

- National Defense Service Medal (NDSM)
- Coast Guard Reserve Meritorious Service Medal
- Coast Guard Unit Commendation Ribbon w/Operational Distinguishing Device

The applicant argued that he is eligible to receive the NDSM because he served more than 230 days on active duty, including 5 months and 13 days of on-the-job training; 13 days of instructor training school; and 60 days while assigned to a squadron. He also stated that he received the Coast Guard Reserve Meritorious Service Medal and the Coast Guard Unit Commendation Ribbon, but that they are not documented on his DD 214. In support of his application, he submitted numerous documents which are noted in the Summary of the Record.

¹ The DD Form 214 provides an accurate and complete summation of active military personnel service. It is an authoritative source of personnel information for administrative purposes, and for making enlistment or reenlistment eligibility determinations. COMDTINST 1900.4E, April 11, 2016.

The applicant also addressed the delay in submitting his application. He stated that he discovered the error regarding the NDSM after speaking with former shipmates. The applicant argued that the Board should consider his application because he recently turned 70 years old and believes that all three medals should be included on his DD 214.

SUMMARY OF THE RECORD

The applicant served on active duty as a reservist on active duty for training (ACDUTRA) from October 21, 1968, to March 20, 1969. He was issued a DD 214 stating that he was honorably discharged because he fulfilled his initial ACDUTRA obligation. Block 24 of his DD 214 indicates that he did not receive any medals or awards during this period of active service.

After completing active service as a reservist from 1968 to 1969, the applicant returned to duty as a typical Coast Guard reservist.

According to his orders, the applicant attended annual ACDUTRA from August 23, 1970, to September 4, 1970, and again from June 6, 1971, to June 18, 1971. Another set of orders shows that he attended annual ACDUTRA starting on March 8, 1972, for an unknown amount of time.

On May 29, 1973, the applicant was awarded the Coast Guard Reserve Meritorious Service Ribbon. The award was documented on an Administrative Remarks form and placed into his record.

On June 1, 1973, the applicant received a memorandum from the Commander of his district. He was notified that he received the Coast Guard Unit Commendation Ribbon with “O” Device. His record also includes a citation from the Commandant of the Coast Guard commending his squadron for “exceptionally meritorious service.” The citation states that all members serving in the applicant’s squadron were authorized to wear the Coast Guard Unit Commendation Ribbon with “O” Device.

On October 20, 1974, the applicant was honorably discharged from the Coast Guard Reserve. His record contains an Honorable Discharge Certificate and a Record of Discharge.

VIEWS OF THE COAST GUARD

On October 25, 2021, 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 the applicant is entitled to receive the NDSM and recommended that the medal be added to his DD 214. PSC stated that he is eligible to receive the medal because he served on active duty from October 21, 1968, to March 20, 1969. PSC argued that according to the Medals and Awards Manual, the NDSM was awarded to personnel who performed honorable

active service as a member of the Armed Forces for any period from January 1, 1961, to August 14, 1974.

PSC argued that the applicant is not entitled to have the Coast Guard Meritorious Service Ribbon² or the Coast Guard Unit Commendation Ribbon with “O” Device added to his DD 214. PSC stated that the applicant earned these awards after he was released from active duty and issued his DD 214. PSC argued that because these awards were earned after the issuance of his DD 214, they would not be included or added on that form.

APPLICABLE LAW AND REGULATIONS

COMDTINST 1900.4A, issued in 1975, is the oldest edition of the Commandant’s instructions for completing the DD 214 available to the Board. Enclosure (1) of the instructions 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 the *current* tour of active service.” More recent editions of the DD 214 manual state that the medals and awards earned during *all* periods of service should be listed on a member’s DD 214 and that the DD 214 should be accurate as of the date of discharge.

Chapter 5.B.11 of the Medals and Awards Manual, COMDTINST M1650.25B, states that the NDSM was created by the Secretary of Defense on January 11, 1966, and 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. It also states that Reserve personnel on short tours of active duty to fulfill training obligations under an inactive duty training program are not eligible to receive the NDSM.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On November 26, 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.

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.³ The applicant completed his initial active duty training

² PSC noted that the Medals and Awards Manual includes a Coast Guard Meritorious Service Ribbon, but not a Coast Guard Reserve Meritorious Service Medal.

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

and received a DD 214 on March 20, 1969, and was honorably discharged from the Coast Guard Reserve on October 20, 1974. Therefore, his application is untimely.

3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.⁴ 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”⁵ 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.”⁶ Although the applicant in this case did delay filing the application, the evidence of record reveals a significant, prejudicial error in his record, as explained below, and so the Board finds that it is in the interest of justice to excuse the untimeliness of the application.

4. The applicant argued that his DD 214 should be corrected to include the NDSM, the Coast Guard Meritorious Service Medal, and the Coast Guard Unit Commendation Ribbon with “O” Device. 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 his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.⁷ 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.”⁸

5. The applicant argued that he is eligible to receive the NDSM and that it should be included on his DD 214. The Board agrees and finds that the applicant’s record should be corrected to show that he earned the NDSM. According to Chapter 5.B.11 of the Medals and Awards Manual, the NDSM is awarded to personnel who perform honorable active service as a member of the Armed Forces for any period from January 1, 1961, to August 14, 1974. The applicant is eligible for the medal because his record shows that he performed honorable active service from October 21, 1968, to March 20, 1969. However, the manual also states that reservists are not eligible for the NDSM if they perform short tours of active duty to fulfill training obligations under an inactive duty training program. The Board finds that although the applicant was a reservist during the medal’s eligibility period, he performed more than a short tour of duty. While the manual does not define “short tour,” the applicant served for 150 days of active service during the medal’s eligibility period. In comparison, the applicant’s annual ACDUTRA lasted about 12 days. Further, PSC and the JAG argued that the applicant is eligible for the medal and recommended that it be added to his DD 214. Therefore, the applicant has proven by a preponderance of the evidence that he is eligible for the NDSM and it should be included on his DD 214.

⁴ 10 U.S.C. § 1552(b).

⁵ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁶ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

⁷ 33 C.F.R. § 52.24(b).

⁸ *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 also asked the Board to include his Coast Guard Meritorious Service Medal and Coast Guard Unit Commendation Ribbon on his DD 214. His record shows that he was awarded the Coast Guard Meritorious Service Ribbon on May 29, 1973, and the Coast Guard Unit Commendation Ribbon with "O" Device on June 1, 1973. However, the Board finds that these two awards should not be included on his DD 214. According to COMDTINST 1900.4A, only medals and awards earned during the current tour of active service can be included on the DD 214. In this case, the applicant received his awards several years after he was honorably discharged from active duty and received his DD 214. Moreover, the applicant provided proof of these awards so he already has a record of having received them. Therefore, the applicant has not proven by a preponderance of the evidence that his Coast Guard Meritorious Service Ribbon and Coast Guard Unit Commendation Ribbon should be added to his DD 214.

7. The applicant has proven by a preponderance of the evidence that his DD 214 does not accurately reflect all of the medals and awards he is eligible to receive. Accordingly, the Board will waive the statute of limitations and direct the Coast Guard to correct his DD 214 to show that he was awarded the National Defense Service Medal. The applicant's request to have the Coast Guard Meritorious Service Medal and Coast Guard Unit Commendation Ribbon added to his DD 214 should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former DC3 [REDACTED] [REDACTED] USCGR, for correction of his military record is granted in part. The Coast Guard shall correct his DD 214 to show that he was awarded the National Defense Service Medal. All other requests are denied.

June 10, 2022

[REDACTED] Digitally signed by [REDACTED]
Date: 2022.06.21 16:02:13 -04'00'

[REDACTED]

[REDACTED] Digitally signed by [REDACTED]
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