

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

Application for the Correction
of the Coast Guard Record of:

BCMR Docket No. 2022-034

██████████ ██████████ ██████████
LTJG (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 26, 2022, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated June 23, 2023, 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 is a former Lieutenant Junior Grade (LTJG) who served on active duty in the Coast Guard from August 6, 2008, to December 2, 2011, and is now in the Army Reserve. He asked the Board to correct his DD 214¹ to show that he is eligible to receive the Global War on Terrorism Expeditionary Medal (GWOTEM). He argued that he is eligible for the medal because he served aboard a U.S. Navy ship off the coast of South Africa during anti-piracy operations.

In support of his request, the applicant submitted several documents, including a letter from the Commander of a Port Security Unit (PSU) dated September 17, 2021, to the Commander of an Army unit to which the applicant was assigned. In the letter, the PSU Commander recommended that the applicant receive the GWOTEM, and stated the following:

On or about 1 September 2010, CENTCOM [Central Command Theater] solicited available assets in the Iraq/Kuwait AOR [Area of Responsibility] to assist the [U.S. Navy vessel] to conduct antipiracy operations

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. COMDTINST M1900.4D.

in support of Combined Task Force (CTF) 151 in the [location redacted]. [The applicant's] elite Maritime Safety and Security Team (MSST) was the only asset in the AOR trained, equipped, and experienced enough to handle this mission so upon my recommendation, CENTCOM tasked [the applicant's] team for this vital mission. On or about 05 September 2010, [the applicant] and his team departed [city redacted] Iraq en route to [city redacted], Bahrain via [city redacted], Kuwait. [The applicant] received further instruction from CENTCOM during a weeklong stay in [city redacted], Bahrain. On or about 10 September 2010, [the applicant] and his team departed [city redacted], Bahrain en route to [city redacted], Africa where the [U.S. Navy vessel] was berthed. [The applicant] served on the [U.S. Navy vessel] until 9 Oct 2010, performing anti-piracy and humanitarian missions, at which time he disembarked in [location redacted]. On 14 October 2010, I released [the applicant] and his team from the operational theater. On or about 21 October 2010, [the applicant] and his team departed [location redacted] en route to the United States.

The applicant also submitted a copy of a September 13, 2021, letter from a Navy CDR to the Commander of an Army unit that the applicant was assigned to at the time. The Navy CDR confirms that the applicant served as a Division Officer and Deployable Team Leader of an Advance Boarding Team from a Coast Guard Maritime Safety and Security Team on a Naval vessel on its 2010 deployment to the Central Command Theater (CENTCOM) AOR.

Finally, the applicant submitted a copy of two DD 214s: One for his Coast Guard service and one for his Army service. The DD 214 for his Coast Guard service shows that he earned the following decorations, medals, badges, citations, and campaign ribbons during his active service in the Coast Guard from 2008 through 2011:

- Coast Guard Commendation Medal
- Coast Guard Pistol Marksman Ribbon
- Iraq Campaign Medal (ICM)
- Coast Guard Rifle Marksman Ribbon

The DD 214 for his Army service shows that he earned the following decorations, medals, badges, citations, and campaign ribbons during his three months of active Army service in 2021:²

- U.S. Coast Guard Commendation w/Pendant
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Iraq Campaign Medal w/Campaign star
- Army Service Ribbon

The applicant stated that the alleged errors occurred on January 14, 2010, and that he discovered them in his record on May 10, 2021. He argued that the Board should waive the statute of limitations and consider his application because he is entitled to the GWOTEM and his former Coast Guard command was negligent in not issuing it to him. Finally, he argued that the mere passage of time should not be a bar to its issuance.

² The DD 214 for his Army service also includes the medals earned during his Coast Guard service because a DD 214 will list all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service. COMDTINST M1900.4D.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve on July 22, 2008, in the paygrade E-2 to attend Officer Candidate School and serve on active duty as a Reserve Officer for at least three years. On December 3, 2008, the applicant received his commission as an Ensign in the Reserve and signed a three-year active-duty agreement. He was first assigned to an East Coast MSST as a Team Leader and was promoted to LTJG on June 3, 2010.

On July 13, 2010, the applicant took over duties as a Deployment Team Leader in CENTCOM. On or about September 1, 2010, while assigned to CENTCOM, he was selected to serve on onboard a U.S. Navy vessel as part of an anti-piracy task force off the coast of South Africa. On October 14, 2010, he was released from CENTCOM.

On October 10, 2010, the applicant was awarded the Iraq Campaign Medal (ICM) for his services performed while assigned to CENTCOM.

The applicant's pay records show that he received Imminent Danger Pay from June 1, 2010, to October 31, 2010. And upon inquiry, the Coast Guard admitted that he had received a combat tax exclusion for his pay during his deployment from June through October 2010.

On December 2, 2011, the applicant was released from active duty after serving honorably for 3 years, 3 months, and 27 days. Block 12.f. of his DD 214 indicates that he did not perform any foreign service during his enlistment, and Block 12.g. shows that he performed 29 days of sea service. Six months later, he was transferred to the Inactive Status List, where he remained until he was discharged from the Coast Guard Reserve on July 1, 2016.

On January 8, 2020, the applicant submitted an application to this Board, asking it to correct his military record to reflect his foreign and sea service. He alleged that his DD 214 should include foreign service because he had served in Iraq and with a Combined Task Force (CTF) off the South African coast aboard a U.S. Naval vessel. The Board granted relief and ordered the Coast Guard to correct his DD 214 documenting his active service from August 6, 2008, to December 2, 2011, to show the amount of time for which he received Imminent Danger Pay as a result of his foreign service from June 2010 to October 2010.

The applicant served on active duty in the U.S. Army from January 18, 2021, through May 14, 2021, and is currently a reservist in the Army Reserve.

VIEWS OF THE COAST GUARD

On July 28, 2022, 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 the applicant's request for the GWOTEM should be denied because the request is untimely. He argued that the applicant reasonably should have discovered the error

or injustice in 2011 when he received his DD 214 from the Coast Guard, which does not include the GWOTEM that he now seeks.

Regarding the merits, the JAG argued that relief should be denied because the applicant's documentation is insufficient to prove error or injustice. The JAG noted that the applicant's primary argument is that he was told by his current command in the Army that he should have been awarded the GWOTEM. The JAG argued, however, that the applicant was already awarded the ICM for the same period of service and noted that the eligibility criteria explicitly state that a member may not be awarded both the ICM and the GWOTEM for the same period of service. Therefore, the JAG argued, the applicant may not receive both the ICM and the GWOTEM for his overseas deployment.

PSC recommended that the applicant's request to receive the GWOTEM be denied because he already received the ICM on October 10, 2010, for his tour of service from September 10, 2010, thru October 9, 2010, and the Medals and Awards Manual specifically states that members are not entitled to more than one of the GWOTEM, ICM, Afghanistan Campaign Medal or Armed Forces Expeditionary Medal for the same achievement or period of service.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On August 19, 2022, 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 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 5.A.13. of the Medals and Awards Manual in effect in 2010, 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. Eligibility was limited to those personnel deployed abroad during Operations Enduring Freedom and Iraqi Freedom in specific geographic areas designated as the area of eligibility (AOE). To be eligible for the medal, the member had to be a 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; to be engaged in actual combat against the enemy in the AOE under circumstances involving grave danger of death or serious bodily injury from enemy action; to be killed, wounded, or injured and require medical evacuation while participating in operations in the AOE; or to be assigned to an aircrew that flew sorties for 30 consecutive days or 60 non-consecutive days in the AOE. In addition, paragraph 2 notes the following:

Coast Guard 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 3.D.1. states that members who met the eligibility criteria for the GWOTEM and ACM, or the GWOTEM and ICM, during a single tour or deployment must elect one of these medals. No individual may be issued both medals for the same period of service. A period of service is defined as a single tour or deployment.

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 was discharged from active duty and received his DD 214 on December 2, 2011, and he submitted his application to the Board more than a decade later on December 10, 2022. He stated that although the error occurred in January 2010, he did not discover it until May 2021. While the applicant could have discovered the alleged error earlier, he presumably would have included the request in his previous application to the Board if he had known of it. Therefore, the Board finds that the preponderance of the evidence shows that the applicant discovered the alleged error in his record in 2021, as he alleged, and his application was timely filed.
3. The applicant alleged that his Coast Guard record is erroneous and unjust because he should have been awarded the GWOTEM. 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.⁴ 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."⁵
4. The preponderance of the evidence shows that the applicant is not eligible for the GWOTEM because his record shows that he already received the ICM for his overseas deployment, and the Medals and Awards Manual specifically states that members will not be entitled to more than one of the GWOTEM and ICM for the same achievement or period of service. Although he served aboard a U.S. Navy vessel, instead of a Coast Guard cutter, for a month while assigned to CENTCOM, this service was performed during the same overseas deployment, and he cannot receive both the ICM and the GWOTEM for the same period of

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

⁴ 33 C.F.R. § 52.24(b).

⁵ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

service or deployment.

5. Accordingly, the applicant's request for the GWOTEM should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former LTJG [REDACTED] [REDACTED] [REDACTED] USCG, for correction of his military record is denied.

June 23, 2023

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