


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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2025-058


BM3 (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 March 6, 2025, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated September 24, 2025, 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 Boatswain's Mate Third Class (BM-3, E-4) in the Coast Guard, requests that he be awarded the Coast Guard Combat Action Ribbon for "a shooting incident that occurred during my enlistment," from which he was discharged on September 11, 1996. He provides a Coast Guard Report and several contemporaneous witness statements that provide an account of the events of August 28, 1994, which he contends may qualify him for the award.

SUMMARY OF THE RECORD

The applicant enlisted on March 11, 1991.

On August 28, 1994, the applicant was involved in a shooting incident at a gas station in Vallejo, California during his team's return from a search and rescue (SAR) case. He, along with members of his team, heard gunshots and responded to the scene, rendering medical assistance, pursuing suspects, and securing the scene until law enforcement arrived. The Vallejo police and local EMS expressed appreciation and gratitude for the team's assistance.

The applicant was discharged honorably on September 11, 1996.

VIEWS OF THE COAST GUARD

A Judge Advocate (JA) of the Coast Guard on prepared a memorandum dated May 8, 2025 wherein he recommended the board deny relief, in accordance with the recommendation of the Commanding Officer of the Coast Guard Personnel Service Center.

The Coast Guard found that the applicant's actions were "meritorious," but that they were not conducted during a contingency operation. In accordance with COMDTINST M1650.25E, law enforcement type actions, whether within or outside the United States, and not eligible for the Combat Action Ribbon.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 27, 2025, the Board sent the applicant a copy of the Coast Guard's submission and invited him to submit a response within 30 days. The applicant submitted a response by email on June 9, 2025.

The applicant did not argue with the Coast Guard's conclusions, but offered more context to his actions. He believes that he was following his oath in rendering assistance, and remembers being interrogated by law enforcement afterward and made to feel as if he'd done something wrong. He was appreciative of our response and attention to his application.

APPLICABLE LAW AND REGULATIONS

COMDTINST M1900.4D contains the Commandant's instructions for completing the DD 214, and § 1.D.2 provides that the DD 214 must be accurate as of the date of separation. Section 1.E of the instruction, however, states that the DD 214 should show "all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service."

Eligibility criteria for various awards (including historical awards) is provided in the *Coast Guard Military Medals and Awards Manual*, COMDTINST M1650.25E (August 2016) (hereinafter "*Awards Manual*").

Per *Awards Manual* § 2.A.16, the Coast Guard Combat Action Ribbon "[a]warded to members of the Coast Guard in the grade of Captain (O-6) and below who have actively participated in ground or maritime combat. The principal eligibility award criterion is satisfactory performance under enemy fire while actively participating in a ground or maritime engagement."

The Combat Action Ribbon is only awarded for service during specific operations approved for the award by the Commandant. *Awards Manual* § 2.A.16.b(6) states the following:

The Commandant determines which operations meet the criteria for this award. Enclosure (2) lists the operations for which the Coast Guard Combat Action Ribbon and the Navy Combat Action Ribbon have been awarded. Only one award per operation is

authorized. The listing is not all inclusive, as the Combat Action Ribbon may be awarded in minor operations, as well as for specific actions. Recommendations for an initial issue of the Combat Action Ribbon will be submitted through the chain of command to CG PSC-PSD-ma for review and determination through the Coast Guard Military Board of Awards.

Relevant to this application, Enclosure (2) does not identify any operations approved for the Combat Action Ribbon between 1991 and 2001.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submission and applicable law.

1. The Board has jurisdiction over this matter under 10 U.S.C. § 1552(a) because the applicant is requesting correction of an alleged error or injustice in his Coast Guard military record. The Board finds that he has exhausted his administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued.

2. The applicant declined a hearing before the Board and requested that his application be decided based on the evidence and record.

3. An application is untimely if not submitted to the Board within three years after the applicant discovered the alleged error or injustice underlying the application, but the Board may excuse untimeliness if it is in the interests of justice to do so.¹ The applicant separated from this period of active Coast Guard duty in 1996 and did not apply to the Board until 2021. Although the applicant contends that he learned recently that this award could affect his life and impact his disability rating, he offers no direct explanation for his delay in submitting his application in this case, or contend a date of discovery later than his 1996 discharge. His application is therefore untimely.

4. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so. 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”⁴ 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.”⁵

5. 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 his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.² Absent evidence to the contrary, the Board

¹ 10 U.S.C. § 1552(b); 33 C.F.R. § 52.22.

² 33 C.F.R. § 52.24(b).

presumes that Coast Guard officials and other Government employees have carried out their duties “correctly, lawfully, and in good faith.”³

6. The Board first turns to the reasons for delay. The applicant provides no direct explanation as to why it took him twenty-five years to discover this alleged error and request correction from this Board. While the applicant claims he recently learned of some potential collateral benefits of the correction he is requesting, he does not claim that he did not know of the alleged error in his record. As a result, this factor militates against the applicant.

7. The Board next turns to the potential merits of the claim. The record shows that the events of August 28, 1994 were indeed dangerous, and the response by the applicant’s team was both courageous and in keeping with the traditions of the Coast Guard. The Board notes that the Vallejo Police and Local EMS’s expressed appreciation and gratitude was significant enough to be included in the Coast Guard’s official report of this incident. The applicant should be justifiably proud of his service on that day. However, the Combat Action Ribbon may only be awarded for service during a named contingency operation as defined in Enclosure (2) of COMTDINST M1650.25E, or for minor operations other actions as determined by the Commandant of the Coast Guard. The record shows that the applicant was not serving in such an operation at that time, and that the Commandant has not otherwise taken action to approve the award of the Combat Action Ribbon for this incident. For this reason, a cursory review of the merits of this case is all that is necessary; the applicant’s request must be denied. If the applicant is seeking issuance or approval of this award, he should make any such request directly to the Coast Guard.

8. The Board finds that excusal of the applicant’s untimeliness is not warranted in this case. His request for relief is denied.

[ORDER AND SIGNATURES ON NEXT PAGE]

³ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

ORDER

The application of former BM3 [REDACTED] for award of the Coast Guard Combat Action Ribbon is denied.

September 24, 2025

