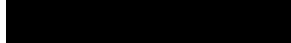


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2025-080


BMCS (retired)

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 26, 2025, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated February 27, 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 Boatswain's Mate Chief Petty Officer (BMCS) who retired from the Coast Guard on May 1, 1976, asked the Board to correct his record to show that he received a Coast Guard Silver Lifesaving Medal. He argued that he received the medal aboard the USCGC Unimak on December 21, 1960 for several "heroic lifesaving rescue actions more than two years prior."

In support of his application, he submitted a copy of a Corpus Christi, Texas newspaper article stating that he had been recommended for the Silver Lifesaving Medal as a result of his rescue of two shrimp fisherman in 1958. He also submitted a copy of an Atlantic City, New Jersey newspaper article describing the applicant receiving the Silver Lifesaving Medal from CAPT K for actions performed more than two years earlier.

The applicant stated that he discovered the alleged error in his record shortly after receiving the award in 1960 and that he unsuccessfully tried to get his record corrected on three separate occasions over the years.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on April 10, 1956 and served for more than twenty years before retiring on May 1, 1976. His three DD 214s¹ show that he only received the National Defense Service Medal, four Good Conduct Medals, the Expert Rifle Medal, and the Expert Pistol Medal. His military record shows that he was recommended for the Silver Lifesaving Medal on November 20, 1958 but did not receive it until November 16, 1960.

The applicant's record also contains a November 28, 1975 letter from the Commandant telling him that his request for an extra 10% in retired pay for extraordinary heroism was denied because "although [his] actions were most noteworthy, they did not meet the criteria established for heroism."

VIEWS OF THE COAST GUARD

On June 4, 2025 a judge advocate (JA) 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 Coast Guard recommended that the Board deny the applicant's request for a Silver Lifesaving Medal. The JA argued that although his record shows that he received the medal in 1959 he did not provide a copy of his DD 214 so the Coast Guard cannot determine which military record requires correction.

APPLICABLE LAW AND REGULATIONS

Chapter 1.E. of the Commandant's instructions for preparing the DD 214 states that the DD 214 should show "all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service."

Chapter 4.A.1. of the Coast Guard Military Medals and Awards Manual, COMDTINST M1650.25E, states that the Silver Lifesaving Medal was originally created by Congress in 1874. It states that the Silver Lifesaving Medal may be awarded to an individual who performed a rescue or attempted rescue where the circumstances do not

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 Form 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.

sufficiently distinguish the individual to deserve the medal of gold but demonstrate such extraordinary effort as to merit recognition.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On August 27, 2025, the Board 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 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. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.² The applicant was discharged in 1971 and alleged that he discovered the error in his record in 1960. To determine whether his application is timely, the Board must decide what the preponderance of the evidence shows about his discovery of the alleged error.³

3. The applicant claims that he discovered the error in his record in 1960, shortly after receiving the medal – but more than 65 years passed before he applied to the BCMR. Therefore, the preponderance of the evidence shows that his application is untimely because nothing prevented him from applying to the Board earlier. However, the Board has identified an error in his record that should be corrected, so the Board will waive the statute of limitations.

4. The applicant asked that his record be corrected to reflect the Silver Lifesaving Medal that he received on November 16, 1960. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed

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

³ *Wielkoszewski v. Harvey*, 398 F.Supp.2d 102, 109 (D.D.C. 2005) (“The Court recognizes that *McFarlane* counsels that the date of discovery should be the actual date, and not the date at which a hypothetical “reasonable person” would have discovered the error or injustice. *McFarlane v. Sec’y of the Air Force*, 867 F.Supp. 405, 412 (E.D.Va.1994). Nevertheless, this does not mean that the actual date of discovery is whenever a plaintiff says it is.”).

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.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

5. The applicant's record contains several documents which show that he received the Silver Lifesaving Medal in 1960 but the medal is not included on any of the DD 214s in his record. Chapter 1.E. of the Commandant's instructions for preparing the DD 214 states that the DD 214 should show all medals awarded or authorized for all periods of service.

6. The applicant has proven by a preponderance of the evidence that he received the Silver Lifesaving Medal on November 16, 1960 but that it is not listed on any of the DD 214s in his record. Accordingly, the Board will waive the untimeliness and orders the Coast Guard to issue the applicant a DD 215 adding the Silver Lifesaving medal to his final DD 214 issued on April 30, 1976.

(ORDER AND SIGNATURES ON NEXT PAGE)

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).

ORDER

The application of BMCS [REDACTED], USCG (Retired), for correction of his military record is granted. The Coast Guard shall prepare and send him a DD 215 correcting his record to show that he was awarded the Silver Lifesaving Medal on November 16, 1960.

February 27, 2026

