

**DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS**

---

Application for Correction  
of Coast Guard Record of:

BCMR Docket  
No. 56-97

---

**FINAL DECISION**

██████████ Chairman:

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on January 22, 1997, upon the BCMR's receipt of the applicant's request for correction of his military record.

The Final Decision, dated January 30, 1998, is signed by the three duly appointed members who were designated to serve as the Board in this case.<sup>1</sup>

**Applicant's Request for Correction**

The applicant enlisted in the Coast Guard on September 7, 1976. He extended his enlistments and reenlisted a number of times rising to the grade of ██████████. His last recorded reenlistment, for three years, took place on May 27, 1994.

██████████ the applicant fought a major engine room fire and attempted to rescue a trapped shipmate. According to the Awards Board Minutes, dated ██████████ the Board recommended him unanimously for the Coast Guard Medal for Heroism. In an additional vote on whether his action showed "extraordinary heroism," the Board, by a six to one vote, did not recommend that he be granted this added distinction.

On ██████████ the Commandant concurred with the Board's recommendations. The medal was given to him along with a citation that included the following language: ██████████ demonstrated remarkable initiative, exceptional fortitude, and extreme daring in spite of imminent personal danger in this rescue attempt. His courage and devotion to duty are most heartily commended and are in keeping with the highest traditions of the United States Coast Guard."

---

<sup>1</sup> This application was required to be decided by the BCMR by January 27, 1998.

On [REDACTED] the Commandant c, the Awards Committee voted 6 to 1 to recommend that the medal not be given to the applicant "for extraordinary heroism." A finding of extraordinary heroism would have entitled him to 10% additional retirement pay under 14 U.S.C. § 357(c).

The applicant alleges that the medal entitled him to "the extra 10 percent," even though his citation does not say "extraordinary heroism." He alleged that the Awards Committee "did not review all files, and just read the citation for the award."

### **Views of the Coast Guard**

On December 22, 1997, the Chief of the Medals and Awards Division, and the Chief Counsel of the Coast Guard, recommended that the BCMR deny relief to the applicant.

The Chief Counsel stated that the Awards Board unanimously awarded the applicant the Coast Guard Medal for Heroism, but declined the additional citation of "Extraordinary Heroism," by a 6 to 1 vote. He stated that the applicant provided no evidence of procedural error in this determination. The Chief Counsel also said that the applicant has not provided evidence that the Commandant, acting on the Board's recommendation, abused his discretion when he determined that the applicant did not qualify for "extraordinary heroism,"

### **Response of the Applicant to the Views of the Coast Guard**

On January 6, 1998, a copy of the views of the Coast Guard was sent to the applicant with an invitation to respond to the views of the Service. The applicant did not respond to the views of the Coast Guard.

## **FINDINGS AND CONCLUSIONS**

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

1. The BCMR has jurisdiction of the case pursuant to section 1552 of title 10, United States Code. The application is timely.

2. [REDACTED] the applicant fought a major engine room fire, and he sought to rescue a trapped shipmate. For his bravery, the Awards Committee unanimously recommended and awarded him the Coast Guard Medal for Heroism.

3. The Awards Committee applied the following tests:

(4) An . . . individual leaving a place of comparative safety, to perform an act without direct orders, . . . would be a strong candidate for extraordinary heroism.

(7) The Coast Guard Board of Awards, in recommending extraordinary heroism, should compare the act with other acts of heroism and be convinced that it stands out well above ordinary acts of heroism.

4. The Awards Committee decided that the applicant's bravery did not constitute "Extraordinary Heroism," as measured by these standards. The vote against the applicant, on [REDACTED] was 6 to 1. The applicant was a strong candidate for extraordinary heroism, but the Awards Committee could reasonably have found that his acts were not "well above ordinary acts of heroism."

5. The applicant did not introduce evidence that the Coast Guard committed an error or injustice in deciding that his acts of heroism did not rise to the level of extraordinary heroism. The applicant also did not show in any detail why the Coast Guard committed error or injustice. Article 1-B-3, Coast Guard Medal and Awards Manual (COMDTINST M1650.25'B).

6. Accordingly, the application should be denied.

**[ORDER AND SIGNATURES ON FOLLOWING PAGE]**

**ORDER**

The application to correct the military record of  
USCG, is denied.

