

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 95-96

FINAL DECISION

██████████ Attorney-Advisor:

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on March 21, 1996, upon the Board's receipt of the applicant's request for correction of his military record.

This final decision, dated May 23, 1997, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a former ██████████ pay grade E-5), asked the BCMR to correct his record to show that he received a Coast Guard Good Conduct Medal and a Coast Guard Reserve Good Conduct Medal for his time in service between June 18, 1974 and December 1989.

The applicant stated that he had received non-judicial punishment (NJP) on one occasion, in 1971 or 1972, which prevented him from receiving Good Conduct Medals. He stated that after that punishment, he had no further incidents.

SUMMARY OF RECORD AND SUBMISSIONS

The applicant enlisted in the Coast Guard on June 19, 1970. His record shows that he received NJP for violation of Article 113 (dereliction of duties) on September 22, 1971 and March 13, 1972. He was discharged from active duty on June 18, 1974. He served two years, five months and four days on active duty.

On June 19, 1974, the applicant entered the Coast Guard Reserve. He was discharged from the Reserve on June 18, 1979, after having served five years. From June 18, 1979 to March 13, 1981, the applicant was not enlisted in any division of the armed forces. On March 14, 1981, the applicant reentered the Coast Guard Reserve. He was discharged from the Reserve on January 21, 1990.

He had served eight years, nine months and seven days during that period in the Reserve.

The applicant's military record contains a Certificate of Release or Discharge from Active Duty (DD Form 214) dated April 28, 1989 which indicates in Block 13 (decorations, medals, badges) that he received a Coast Guard Reserve Good Conduct Medal.¹

Views of the Coast Guard

On February 24, 1997, the Coast Guard recommended that the applicant's request be denied. The Coast Guard stated that the applicant's two incidents of NJP "should not be removed from his permanent service record to allow for a Good Conduct Medal."

The Coast Guard stated that between 1963 and 1979, when the applicant was in the active duty Coast Guard, "there was a 4-year continuous active duty requirement, without NJP, to be eligible for the Good Conduct Medal." If a member received NJP during active duty, his or her eligibility period for the Good Conduct Medal would end, and the time he or she had accumulated up to that point was lost. Following NJP, a new time period for eligibility would begin.

In the applicant's case, his instances of NJP during active duty prevented him from accumulating the requisite four years of continuous active duty service to be eligible for the Good Conduct Medal.

The Coast Guard also stated that to be eligible for the Reserve Good Conduct Medal, "a member must attend 90 percent of the scheduled drills of an organized Reserve unit." The member doing so may "receive up to 48 points per year for attending scheduled drills[,] and these points were referred to as "Inactive Duty for Training (IDT)." To qualify for a Reserve Good Conduct Medal, a member had to earn 40 points in a year.

The Coast Guard stated that the applicant did not earn a sufficient number of IDT points between 1983 and 1989 to earn a Reserve Good Conduct Medal.²

¹ The date on which the applicant was awarded the medal and a copy of the certificate of the award are not contained in the military record.

² The applicant earned the following IDT points during his period of service in the Coast Guard Reserve: 1983-1984 (25); 1985-1986 (36); 1986-1987 (37), and 1988-1989 (25). It's possible, though unclear from the record, that between March, 1981, and March, 1983, the applicant earned a sufficient number of points to be eligible for a Reserve Good Conduct Medal. This would explain the notation on the applicant's April 28, 1989 DD Form 214 indicating that the applicant earned a Reserve Good Conduct Medal.

Response of the Applicant to the Views of the Coast Guard

The applicant was sent a copy of the Coast Guard's views and was encouraged to respond. No response was received from the applicant.

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 concerning this matter pursuant to section 1552 of title 10, United States Code. The application was untimely.
2. An application for correction of a military record, to be timely, must be submitted within three years after the discovery of the alleged error or injustice. *See* 33 CFR § 52.22. The Board may still consider the application on the merits, however, if it is in the interest of justice to do so.
3. The applicant was discharged from active duty Coast Guard on June 18, 1974, and from the Coast Guard Reserve on January 21, 1990. While the applicant gave no justification for the six year delay in his filing for relief, the Board decided to review the case on the merits, in the interest of justice.
4. A review of the merits of this application leads to a finding that the applicant has not established that the Coast Guard committed an error or injustice by not awarding him a Coast Guard Good Conduct Medal while he served on active duty.
5. Article 5-B-1.a of the Coast Guard Medals and Awards Manual (COMDTINST M1650.25B), in effect from November 1, 1963 through December 31, 1979, required a member to accumulate four years of continuous active duty with no record of NJP, no misconduct, and no civil conviction for offense involving moral turpitude, in order to be eligible for the Coast Guard Good Conduct Medal.
6. The applicant's two incidents of NJP interrupted his period of eligibility for the Good Conduct Medal on two occasions while he served on active duty, and he did not achieve four years of continuous active duty. He is therefore ineligible for an active duty Good Conduct Medal.
7. The applicant's DD Form 214 indicates that he has already been awarded a Reserve Good Conduct Medal. There is nothing in his record, or in the

evidence submitted, to indicate that the applicant was eligible for an additional Reserve Good Conduct Medal.

8. Accordingly, the application should be denied.

ORDER

The application to correct the military record of former [REDACTED]
[REDACTED] SCGR, is denied.

