

DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS

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Application for Correction  
of Coast Guard Record of:

BCMR Docket  
No. 1997-141

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FINAL DECISION

[REDACTED]

This is a proceeding under the provisions of section 1552 of title 10, United States Code. An application was received on June 17, 1997, and the application was completed on January 16, 1998, upon the BCMR's receipt of the applicant's military record. The case was decided within 10 months of the department's receipt of a completed application, as required by 14 U.S.C. 425(a).

The final decision, dated June 11, 1998, is signed by the three duly appointed members who were designated to serve as the Board in this case.

**Application for Relief**

The applicant, a former [REDACTED] (pay-grade E-4), asked the Board to change the honorable discharge he received when he was discharged on July 7, 1988 to an "honorable medical discharge." He originally enlisted in the active service on June 9, 1980. On June 9, 1984, he extended that enlistment for four years and one month. He was discharged on July 7, 1988 with a separation code of "KBK" (voluntary discharge within three months of expiration of enlistment)

The applicant alleged that he received medical treatment for approximately four years at the Naval Hospital in [REDACTED]. He alleged that the Navy recommended that he received a medical discharge, but that the Coast Guard "did not recognize his condition."

**Views of the Coast Guard**

On February 3, 1998, the BCMR received a recommendation from the Chief Counsel of the Coast Guard with respect to the disposition of this application. The Chief Counsel said that the applicant was found fit for full duty by a Central Physical Evaluation Board, prior to his discharge in 1988. A person who is fit for duty can not be discharged by reason of physical disability.

The Chief Counsel of the Coast Guard also alleged that the applicant did not submit any allegation or proof of error or injustice on the part of the Coast Guard. He also alleged that recovery was barred by the statute of limitations.

### SUMMARY OF RECORD

On March 15, 1988, the Coast Guard Central Physical Evaluation Board (CPEB) found the applicant "Fit for Duty." It recommended that he be returned to duty.

On March 15, 1988, a Physical Evaluation Board (PEB) was convened on the applicant. Its findings were approved by the Commandant on May 12, 1988, as follows: "[The applicant] shall not be retired or separated by reason of physical disability."

The applicant's military record showed that he was treated for almost four years.

### 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.

2. The applicant was examined under the physical disability evaluation system (PDES). He was examined by an IMB (initial medical board); he was subsequently examined, on March 15, 1988, by a CPEB (central physical evaluation board); his record was evaluated by a physical evaluation board (PEB) which approved the CPEB recommendation that he was fit for duty; and the Commandant decided on May 12, 1988 that he "shall not be retired or separated by reason of physical disability.

3. The applicant stated that he wanted a medical discharge, but he did not allege that the Coast Guard committed any "error" or "injustice." He did not submit any proof that the Coast Guard has erred in failing to make such a finding

4. In 1988, the applicant was discharged voluntarily from the Coast Guard. He was discharged with a separation code of "KBK" (voluntary discharge within three months of expiration of enlistment). The applicant's application for relief was received untimely (almost nine years late); notwithstanding the delay, the merits of the application have been considered in the interest of justice.

5. The applicant has not established that the Coast Guard committed any error

ORDER

The application for correction of the military record of  
, USCG, is denied.

