

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 1999-125

FINAL DECISION

Chairman:

This is a proceeding under section 1552 of title 10 and section 425 of title 14 of the United States Code. It was commenced on June 1, 1999, upon the BCMR's receipt of an application for correction of a military record.

This final decision, dated April 13, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant is a [REDACTED] who retired from the Coast Guard on [REDACTED]. He asked the Board to correct his record with respect to the dental treatment that he had received in the Service. Specifically, he asked the Board to correct the answer to block 17 of the DD Form 214 that he received upon his retirement from the Coast Guard. Block 17 stated that the member was provided complete dental examination and all appropriate dental services and treatment within 90 days prior to separation. The response that was checked next to this statement on the applicant's form was "Yes."

The applicant alleged that he had a chronic dental problem that was not corrected before his retirement from the Coast Guard. He enclosed with his application for correction the following statement by an oral surgeon who had examined the applicant 14 days after his retirement from the Coast Guard: "Examination and panoramic x-ray revealed a non-vital tooth #15, which had been causing the patient pain for approximately one year. The patient also has an impacted third molar #16 . . ."

The applicant alleged that he sought emergency treatment on January 4, 1999, for a chronic dental problem that was subsequently diagnosed as an impacted wisdom tooth.

The applicant submitted to the Board copies of dental records for March 17, 1997 and October 20, 1998. The former indicated he was complaining of "constant L. molar pain" but "no obvious problem" The latter indicated that he complained of

and was treated for "same problem." He also submitted a dental health questionnaire dated September 15, 1997 and one dated October 20, 1998, both of which indicated he was suffering from "stress" and was taking painkillers (aspirin, tylenol).

VIEWS OF THE COAST GUARD

The Board sent a copy of the application for relief, the clinical records, and the other documents received from the applicant to the Chief Counsel of the Coast Guard. The Coast Guard was invited to assess the merit or lack thereof of the application and to make recommendations as to disposition.

The Chief Counsel made no findings or recommendations.

FINDINGS AND CONCLUSIONS

The Board makes the following findings of fact and conclusions of law on the basis of the submissions of the parties, the applicant's military record, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to § 1552 of title 10, United States Code. The application is timely.

2. The applicant retired from the Coast Guard on December 31, 1998. On October 20, 1998 (within 90 days of retirement), he received a dental examination. The dental officer found the applicant was suffering from a "toothache feeling" in a particular area.

3. On the basis of that examination, the Coast Guard checked the "yes" box on Form DD 214 indicating he had been provided "all appropriate" dental services and treatments within 90 days of separation.

4. On January 14, 1999, an oral surgeon examined the now-retired applicant and concluded he had "a non-vital tooth #15, which has been causing the patient pain for approximately one year." The surgeon also found that the applicant had an "impacted third molar." On January 4, 1999, the applicant sought emergency treatment for a chronic dental problem subsequently diagnosed as an impacted wisdom tooth.

5. The applicant has shown by a preponderance of the evidence that the Coast Guard did not provide "all appropriate" dental services and treatments between October 1, 1998 and [REDACTED]. The Coast Guard was on notice that it should conduct a follow-up examination after October 20.

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6. The Coast Guard committed an error in certifying that the applicant had been provided all appropriate dental services and treatments within 90 days of separation.

7. Accordingly, the response to block 17 on Form DD 214 should be changed from "yes" to "no."

ORDER

The military record of [REDACTED] USCG (Ret.), shall be corrected by changing block 17 of his DD Form 214 from a "yes" response to a "no" response.

