

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2025-061


(former) SA

FINAL DECISION

This proceeding was conducted by the Board for Correction of Military Records of the Coast Guard (“Board”) according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. After receiving the completed application, the Chair docketed the case on March 6, 2025, and assigned the case to a staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated January 16, 2026, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

INTRODUCTION

The applicant was discharged from the Coast Guard during recruit training in May 1990 after he was diagnosed with chronic kidney disease, a disqualifying condition for Coast Guard service. His discharge documents reflect an honorable character of service and list “Convenience of the Government” as the narrative reason for separation.

In an October 2024 decision, the U.S. Department of Veterans Affairs (VA) determined that the applicant’s kidney disease was “service connected,” entitling him to disability compensation benefits. Shortly thereafter, the applicant submitted his application, in which he asks the Board to “upgrade [his] discharge from HONORABLE to HONORABLE/MEDICAL.”

SUMMARY OF THE RECORD

The applicant entered active duty in the Coast Guard on March 27, 1990. A pre-training medical examination conducted at the training center two days later noted no abnormalities. Likewise, a pre-enlistment medical examination completed at the Military Entrance Processing Station in July 1988 had also shown no abnormalities.

On April 3, 1990, during his first week of recruit training, the applicant reported to sick call with hematuria (blood in urine) that he noticed after a physical fitness class. He also reported mild lower back discomfort and suprapubic tenderness. He was admitted to the sick ward, given fluids, and started on antibiotics. Although his lower back and suprapubic symptoms subsided within a few days, laboratory tests showed persistent blood and protein in his urine consistent with kidney inflammation. A nephrology specialist at a nearby naval hospital was consulted and opined that the applicant “probably had a nephritis,” which was a “disqualifying” condition. The applicant was discharged from the ward on April 13, 1990, with a discharge diagnosis of “post-streptococcal glomerulonephritis.” It was noted that the applicant had an upcoming appointment at the naval hospital’s nephrology clinic, after which the record would be updated with an addendum.

The foregoing was detailed in a medical narrative summary completed on April 13, 1990, which also documented the opinions and recommendations of a medical board convened that date. The board determined that the applicant did not meet the minimum standards for enlistment because Coast Guard policy disqualified individuals with “chronic glomerulonephritis regardless of histopathological type,” and the applicant’s condition fell within that category. The board also found that the applicant’s condition existed prior to enlistment, despite symptoms not occurring until he began recruit training. The board further stated that “the disqualifying condition, although aggravated by service, has not caused a physical disability due to a period of active military service.” Based on these findings, the board recommended that the applicant be separated from the Coast Guard and that no waiver of separation be granted.

According to an addendum to the medical board, the applicant had three subsequent appointments at the naval hospital’s nephrology clinic, and he was noted to have continued microhematuria and proteinuria. The addendum stated that “the final diagnosis of IgA nephropathy vs. thin basement membrane appears to be the most likely, with both of these etiologies existing prior to entry.” As such, the addendum stated, the applicant was considered disqualified from service in the Coast Guard. It was further noted that a renal biopsy and cystoscopy were considered but were felt to be of little value at the time and were therefore not performed.

A “Recruit Discharge Cover Sheet” was signed by medical officers and the applicant’s training officer and executive officer on May 3, 1990. This document listed a primary diagnosis of “IgA nephropathy” and a secondary diagnosis of “thin basement membrane disease of the kidneys.”

Also on May 3, 1990, the applicant signed a form titled “Patient’s Statement Regarding Recommended Discharge,” in which he acknowledged the medical board’s findings and declined to submit a written statement.

The applicant was discharged from the Coast Guard on May 4, 1990. His DD Form 214 (Certificate of Release or Discharge from Active Duty) (“DD 214”) includes the following entries:

<u>Character of Service:</u>	Honorable
<u>Separation Authority:</u>	Article 12-B-12 CG PERSMAN
<u>Narrative Reason for Separation:</u>	CONVENIENCE OF THE GOVERNMENT

In an October 24, 2024, decision, the VA granted service connection for “chronic IgA nephropathy with chronic kidney disease and renal cysts,” with a 0 percent rating; “flat foot with hallux valgus and gout,” with a 30 percent rating; and hypertension, with a 10 percent rating. The decision was made effective retroactively to September 18, 2014, the date the applicant initially filed his claims with the VA.

APPLICATION TO THE BOARD

In his submission to the Board, the applicant requested the following relief: “Upgrade my discharge from HONORABLE to HONORABLE/MEDICAL.” In support his request, he stated: “The [VA] has declared me a disabled veteran due to injuries sustained in service and I was discharged because of those injuries. I therefore request that my DD-214 reflect the proper reason why I was discharged from the Coast Guard.” The applicant attached a copy of the October 2024 VA decision to his application but provided no further explanation or argument in support of his request.

VIEWS OF THE COAST GUARD

In a memorandum dated May 2, 2025, the Coast Guard Personnel Service Center (PSC) recommended that the Board deny relief. PSC first argued that the application was untimely because it was submitted approximately 34 years after the applicant’s discharge from the Coast Guard. PSC further argued that the applicant had been diagnosed with a disqualifying condition which did not require processing through the Physical Disability Evaluation System (“PDES”). With respect to the VA decision submitted by the applicant, PSC asserted that such records were not “admissible” for determining the applicant’s fitness for military service and/or eligibility for a medical discharge at the time of his separation.

In a memorandum dated July 25, 2025, a Coast Guard Judge Advocate (JA) adopted the facts and analysis provided by PSC and requested that the Board accept PSC’s submission as the Coast Guard’s advisory opinion. The JA added that the applicant had been separated while still in boot camp for failing minimum medical standards as a result of his disqualifying condition. The JA noted that, under Coast Guard policy, those entry medical standards applied to the applicant during his first six months of active duty, and were cause for rejection from military service. Because the applicant did not meet the

minimum standards for enlistment due to his disqualifying condition that was “not aggravated in the line of duty,” the JA argued, the applicant was properly separated without PDES processing.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 14, 2025, the Board sent the Coast Guard’s views to the applicant and invited him to submit any response within 30 days. The applicant did not submit a response.

APPLICABLE LAW AND POLICY

Board Proceedings

The Board may correct errors or remove injustices in a service member’s records pursuant to 10 U.S.C. § 1552(a). “Error” means a mistake of a significant fact or law and includes a violation by the Coast Guard of its own regulations. *See Reale v. United States*, 208 Ct. Cl. 1010, 1011 (1976) (“‘Error’ means legal or factual error.”); *Ft. Stewart Schools v. Federal Labor Relations Authority*, 495 U.S. 641, 654 (1990) (“It is a familiar rule of administrative law that an agency must abide by its own regulations.”). Injustice, when not also error, is treatment by the military authorities that “shocks the sense of justice.” *Sawyer v. United States*, 18 Cl. Ct. 860, 868 (1989) citing *Reale v. United States*, 208 Ct. Cl. 1010, 1011, cert. denied, 429 U.S. 854, 50 L. Ed. 2d 129, 97 S. Ct. 148 (1976). The Board has authority to determine whether an injustice exists on a “case-by-case basis.” Docket No. 2002-040 (DOT BCMR, Decision of the Deputy General Counsel, Dec. 4, 2002).

“It is the responsibility of the Applicant to procure and submit with his or her application such evidence, including official records, as the Applicant desires to present in support of his or her case.” 33 C.F.R. § 52.24 (a). “The Board begins its consideration of each case presuming administrative regularity on the part of the Coast Guard and other Government officials. The Applicant has the burden of proving the existence of an error or injustice by the preponderance of the evidence.” 33 C.F.R. § 52.24 (b). 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.” *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

Coast Guard Policies

I. PERSMAN

The Coast Guard Personnel Manual, COMDTINST M1000.6A (January 1988) (“*PERSMAN*”) was in effect at the time of the applicant’s discharge.

Pursuant to *PERSMAN* Art. 12.B.12.a.5.c., Commander, Coast Guard Personnel Command (CGPSC), was authorized to separate an enlisted member for the convenience of the government based on “erroneous enlistment” in certain situations, “including “among others” when the member was undergoing recruit training, had less than 60 days of active service, and had a pre-existing physical disability not incurred in or aggravated by a period of active military service.

2. *Medical Manual*

The Coast Guard Medical Manual, COMDTINST M6000.1B (January 1990) (“*Medical Manual*”) was in effect at the time of the applicant’s discharge.

Pursuant to *Medical Manual* Art. 3.A.4., all members were required to meet physical standards prescribed in the manual, and conditions likely to cause future disability or preclude completion of a military career of at least twenty years were considered disqualifying, even when clinical signs were not evident at the time of examination.

Under Art. 3.D.1.,2.a.(1), certain medical conditions and physical defects were cause for rejection from military service, and Art. 3.D.2.a.(2) stated that these standards applied to applicants for enlistment in the Coast Guard, as well as during the first six months of active duty. Chronic nephritis and chronic glomerulonephritis were specified as disqualifying conditions under Art. 3.D.11.b.

According to Art. 3.A.7.1.(6), medical boards were a form of miscellaneous examination which were “convened to evaluate the present state of health and fitness for duty of any active duty/selected reserve member.”

3. *PDES Manual*

The Coast Guard’s Physical Disability Evaluation System (PDES) Manual, COMDTINST M1850.2B (July 1988) (“*PDES Manual*”) was in effect at the time of the applicant’s discharge.

As described generally in *PDES Manual* Ch. 1, the PDES process was designed to implement Chapter 61, Title 10 of the U.S. Code, by determining whether a member is “fit” or “unfit” for continued duty by reason of physical disability and, if unfit, whether the member should be separated or retired for disability. A member entered the PDES when a commanding officer or medical officer questioned the member’s fitness for continued duty due to a medical condition and convened a medical board to evaluate the member’s overall health and fitness. The medical board’s report was then forwarded for review by the Central Physical Evaluation Board (CPEB), and, if requested, a Formal Physical Evaluation Board (FPEB), with further review by the Physical Review Council

(PRC) and, in some cases, the Physical Disability Appeal Board (PDAB). If a member was determined unfit through this process, and the unfitting medical condition(s) were ratable at 30 percent or higher using the VA Schedule for Rating Disabilities, the member was medically retired. *See* 10 U.S.C. § 1201(b)(3)(B). If the member was unfit and the unfitting medical condition(s) were ratable at less than 30 percent, the member would be medically separated with severance pay. 10 U.S.C. § 1203(b)(4).

PDES Manual Art. 3.D. listed situations in which the convening of an initial medical board was required, including the following:

- 3.D.1. Detection of a physical impairment pre-existing enlistment or appointment in the Coast Guard (see Chapter 12 COMDTINST M1000.6).
- 3.D.4. Failure to meet physical standards at the following times:
 - a. Required periodic physical examination (except for those conditions set forth in Chapter 12 COMDTINST M1000.6, i.e. obesity, motion sickness, erroneous enlistment, etc.)

Importantly, Art. 2.C.2.f.(2) stated that “inability to satisfy the standards for initial entry into military service” would “not be used as a basis for making determinations that a service member is unfit for continued military service by reasons of physical disability” except in certain situations involving members who entered military service with a waiver for a medical condition that is usually cause for rejection.

Art. 2.A.36. defined physical disability as “any manifest or latent physical impairment or impairments due to disease, injury or aggravation by service of an existing condition, regardless of the degree, that separately made or in combination made a service member unfit for continued duty.”

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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 applicant has exhausted all available 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. The applicant requested a hearing before the Board via telephone or video. The Chair, acting pursuant to 33 C.F.R. § 52.51, denied the request and recommended

disposition of the case without a hearing. The Board concurs in that recommendation. *See Armstrong v. United States*, 205 Ct. Cl. 754, 764 (1974) (a hearing is not required because BCMR proceedings are non-adversarial and 10 U.S.C. § 1552 does not require them).

3. In his submission to the Board, the applicant asks that his discharge be changed from “HONORABLE to HONORABLE/MEDICAL.” This phrasing appears to conflate two separate entries on the DD 214: the character of service (which already reflects “Honorable”) and the narrative reason for separation. “HONORABLE/MEDICAL” is neither a recognized character of service nor narrative reason for separation under Coast Guard policy. In its views submitted to the Board, the Coast Guard reasonably interprets the applicant’s request as seeking a change of his narrative reason for separation that would entitle him to monetary benefits, specifically a medical retirement or medical separation with severance pay. While Coast Guard policy provides for a number of other narrative reasons for separation that include the word “medical” or “disability,” the Board’s authority is limited to taking actions that benefit an applicant. *See Wolfe v. Marsh*, 835 F.2d 354, 358 (D.C. Cir. 1987). In this case, there is no indication that a change of the applicant’s narrative reason for separation short of one that would entitle him to medical retirement or separation with severance pay would provide any benefit. Accordingly, the Board’s analysis assumes the applicant is requesting a correction entitling him to medical retirement or separation with severance.

4. The application is untimely, as it was not filed within three years of the applicant’s discovery of the alleged error or injustice in the record, as required by 10 U.S.C. § 1552(b). The applicant was discharged from the Coast Guard in May 1990, and his application was not received by the Board until late 2024 or early 2025,¹ more than 34 years later.

5. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so. 10 U.S.C. § 1552(b). In *Allen v. Card*, 799 F. Supp. 158 (D.D.C. 1992), the court stated that the Board should not deny an application for untimeliness without “analyz[ing] both the reasons for the delay and the potential merits of the claim based on a cursory review” to determine whether the interest of justice supports a waiver of the statute of limitations. The court noted that “the longer the delay has been and the weaker the reasons are for the delay, the more compelling the merits would need to be to justify a full review.” Pursuant to this framework, the Board makes the following findings:

- a. In his submission, the applicant indicated that the error or injustice underlying his application occurred in May 1990, but that he discovered that error or injustice in November 2024. The Board infers this date is connected to the applicant’s initial receipt of VA benefits. The record

¹ The record in this case does not indicate a “date received” by the Board. The application was dated December 11, 2024, although it is not clear when the applicant actually signed the DD 149 or mailed it to the Board. The application was reviewed upon receipt, subsequently deemed complete, and docketed on March 6, 2025.

shows, however, that as of May 1990, the applicant had received his DD 214 and was aware that his discharge was a result of his kidney condition discovered during recruit training. The VA decision – involving the application of law and regulation separate from those controlling the Coast Guard’s actions in 1990 – did not provide additional clarity on these points.

The applicant has not described any specific circumstances which barred him from filing a timely application or otherwise presented any compelling reason for the decades-long delay.

- b. Upon cursory review, the Board finds that the application lacks potential merit. The record shows that, within his first weeks of recruit training, the applicant was found to have persistent hematuria and proteinuria. Coast Guard medical officers, in consultation with a nephrology specialist, concluded that the applicant’s condition fell within the category of chronic glomerulonephritis, which was disqualifying under the *Medical Manual*. Under the policy, enlistment medical standards were applicable in the first six months of entry, well beyond the timeframe of the applicant’s diagnosis.

The applicant’s treating physicians acted as a medical board and determined that his kidney condition pre-existed enlistment and, although it was “aggravated by service,” it “ha[d]not caused a physical disability due to a period of active military service.” In other words, while noting that the applicant had a disqualifying kidney condition which manifested as a result of his service, the board found that the condition had not rendered the applicant “unfit for continued duty” within the meaning of the PDES. *See PDES Manual* Art. 2.A.36. (defining physical disability as a condition or conditions which make a member unfit for continued duty).

In the Board’s view, overlapping provisions in *PERSMAN*, the *Medical Manual*, and the *PDES Manual* fail in some instances to maintain a clear distinction between the processes for disqualification based on failure to meet initial medical accession standards, on the one hand, and unfitness for continued duty under the PDES, on the other. When read together, however, the Board finds that the manuals support the Coast Guard’s position that the two processes are distinct and that its decision to forego full PDES processing in the applicant’s case was consistent with policy.

Specifically, *PERSMAN* Art. 12.B.12. authorized convenience of the government separations based on erroneous enlistment, and listed

specific examples of appropriate cases, “among others,” including where a recruit with fewer than 60 days of active service was found to have a pre-existing physical disability not incurred in or aggravated by service. The *PDES Manual*, for its part, required a medical board upon discovery of a pre-existing condition, while expressly cross-referencing *PERSMAN* Ch. 12. Here, the medical board’s use of the term “aggravated” is contrary to the Coast Guard JA’s assertion that no aggravated was found. The same board, however, found that there was no physical disability attributable to the applicant’s short period of service. In light of that finding and *PDES Manual* Art. 2.C.2.f.(2) – providing that an “inability to satisfy the standards for initial entry into military service” shall not be used as the basis for determining that a member is unfit for continued service by reason of physical disability, except in narrow situations involving waivers – the Coast Guard reasonably treated the applicant as a recruit within six months of entry who failed to meet enlistment standards due to a pre-existing, disqualifying condition, and separated him under the broad authority of *PERSMAN* Art. 12.B.12. without completion of the full PDES process.

The applicant was advised of the recommended discharge, signed the “Patient’s Statement Regarding Recommended Discharge,” and declined to submit any rebuttal. His request, submitted 34 years later, is based solely on his receipt of VA benefits for his kidney condition in 2024. The VA decision, however, amounts only to a finding that the kidney condition had its onset during and/or was caused or aggravated by his service. *See* 38 C.F.R. § 3.303. That is not in dispute here, and it does not convert the Coast Guard’s actions in 1990 into an error or injustice. As noted above, the applicant does not explicitly argue that he should have been processed through the PDES. He also provides no substantive argument based on the policies in effect at the time of his discharge.

For the foregoing reasons, a cursory review of the application does not suggest that the Coast Guard misapplied its regulations or deprived the applicant of a disability retirement or separation with severance to which he was entitled.

6. The limitations period applicable to Board applications, like other statutes of limitation, serves to promote finality, encourage the prompt presentation of claims, and protect the defendant (here, the Coast Guard) from the prejudice inherent in having to defend stale claims. In the case of record correction applications, Congress has determined that a three-year limitations period represented an appropriate balance of these and other relevant interests. 10 U.S.C. § 1552(b).

7. In sum, the applicant's request was submitted multiple decades beyond the applicable statute of limitations, and a cursory review of the application does not suggest the occurrence of an error or injustice warranting the relief requested. For these reasons, the Board finds that it is not in the interest of justice to waive the statute of limitations, and the application will be denied as untimely.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former SA [REDACTED] is denied.

January 16, 2026

