


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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2005-141

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

FINAL DECISION


This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the applicant's request for correction on August 1, 2005, upon receipt of his application and Coast Guard military records.

This final decision, dated April 26, 2006, is signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant, who retired from the Reserve on November 8, 1984, because of a physical disability, asked the Board to correct his discharge form, DD 214. He alleged that it erroneously failed to reflect all of his military service in that it did not total more than 20 years. In addition, he alleged that it failed to reflect 2 years, 7 months, and 16 days of Navy sea service; two awards he had received; and military schools he had attended. He alleged that he discovered these errors on or about May 28, 2003.

The applicant alleged that upon passage of recent laws allowing concurrent receipt of military retirement pay and disability pay,¹ he asked the Coast Guard if he

¹ Under 10 U.S.C. § 1414, which was enacted in 2001, veterans with at least 20 years of service and disability ratings from the DVA of at least 50% may receive concurrent retired and disability pay (CRDP). Under 10 U.S.C. § 1413a, which was enacted in 2002, veterans with at least 20 years of service and combat-related disabilities may receive combat-related special compensation (CRSC). As the applicant's disabilities are not combat-related, he is clearly not eligible for CRSC.

was eligible and was told that he was not because he did not have 20 years of service to qualify for military retirement pay. He stated that he spoke with and asked three different people about his total military service and that each of them cited a different total amount of military service. These and other conversations with Coast Guard personnel led him to realize that block 12 of his DD 214 contained a number of errors concerning his time in service.

The applicant also asked that block 13 of his DD 214, which is supposed to list all decorations and awards received for all periods of service, be corrected to include his Coast Guard Reserve Meritorious Service Ribbon with bronze star and a Coast Guard Shot Gun Marksmanship Ribbon. In addition, the applicant asked that the following courses that he completed be added to block 14, "Military Education," which currently states "none":

- Aviation Structural Mechanic Class A (8 weeks, 7/11/52);
- Naval School Airship (non-pilot) Class C (4 weeks, 6/18/54);
- Outboard Motor School (2 weeks; 4/12/74);
- Officer & Chief Leadership School (2 weeks, 7/29/77);
- Instructor Training School (2 weeks, 1/18/80);
- Recruiting School (3 weeks, 6/2/80); and
- Reserve Administration School (2 weeks, 6/21/81).

The applicant stated that in 2004, he received a letter from the Coast Guard with a Computation of Retirement Point Credits showing that upon his retirement he had accumulated 19 years, 4 months, and 8 days of satisfactory service toward a Reserve retirement. He stated that his applications for both CRDP and CRSC were denied based on the Coast Guard's determination that he did not have 20 years of satisfactory service toward retirement.

The applicant stated that he believes his record should show 20 years of service because, before he joined the Coast Guard, he served in the Navy from October 4, 1951, through October 3, 1955, when he was released into the Navy Reserve. He stated that a Statement of Creditable Service dated March 31, 1981, showed that he had 15 years, 8 months, and 27 days of total service. Therefore, he alleged, since he served on extended active duty from May 1, 1980, through November 8, 1984, by the date of his retirement he had accumulated 20 years, 3 months, and 5 days of total service.

SUMMARY OF THE RECORD

From October 4, 1951, through October 3, 1954, the applicant served on active duty in the Navy. He advanced to AM3/E-4. Upon his release into the Navy Reserve,

his rating was AM3, but his Navy DD 214 notes that in the Reserve his rating would be AMS3. His Navy DD 214 also shows that he had performed 2 years, 7 months, and 16 days of "foreign and/or sea service." The back of his discharge certificate shows that he was stationed at the Naval Air Station in Guam.

From October 4, 1954, through October 3, 1959, the applicant was a member of the Navy Reserve. A Record of Naval Reserve Service shows that he rarely drilled, performed no active duty for training, and did not earn any "satisfactory" years of service toward a Reserve retirement because he did not earn at least 50 points in an anniversary year.

On June 30, 1973, the applicant enlisted in the Coast Guard Reserve as an FI1/E-6. Thereafter, he drilled and performed active duty for training regularly, gaining satisfactory years of service toward a Reserve retirement in each anniversary year. On April 1, 1977, he advanced to FIC/E-7.

On May 1, 1980, the applicant began serving on extended active duty. He was assigned to the Coast Guard Training Center as a trainer at the Fire School.

On January 19, 1983, the applicant suffered a myocardial infarction. Thereafter, he was evaluated by a medical board but returned to active duty because the board found that the applicant was "fit for duty and requires no work limitations." The Board reported that the applicant "has no complaints referable to his cardiovascular system. He does not have dyspnea or chest pain and has returned to work. He is continuing a program of physical activity."

On March 28, 1984, the applicant sought help for a severe headache and slurred speech. He was hospitalized and diagnosed with an intracerebral hemorrhage. Five days after he was discharged, his speech slurring became constant, and he was rehospitalized. CT scans revealed that the same part of his brain was bleeding again. He was diagnosed with an acute parietal infarction.

On July 24, 1984, a medical board found that the applicant was "expected to never be fit for full duty." The board reported that the applicant had continued to suffer slurred speech and headaches since the cerebral infarction and that he had also been diagnosed with Diabetes Mellitus Type II.

On November 8, 1984, the applicant was retired from active duty with a 70% disability rating after being properly processed under the Coast Guard's Physical Disability Evaluation System. His DD 214 shows the following information in block 12:

BLOCK	CONTENTS	DD 214 ENTRY
12.a.	Date Entered AD This Period	80 05 01 (May 1, 1980)
12.b.	Separation Date This Period	84 11 08 (November 8, 1984)

12.c.	Net Active Service This Period	04 yrs., 06 mos., 08 days
12.d.	Total Prior Active Service	04 yrs., 10 mos., 14 days
12.e.	Total Prior Inactive Service	10 yrs., 01 mo., 17 days
12.g.	Sea Service	00 yrs., 00 mos., 00 days

On November 9, 1984, the applicant's name was placed on the Temporary Disability Retired List (TDRL). Upon his disability retirement, the applicant had completed 16 years of "satisfactory" service toward a Reserve retirement, including 4 years in the Navy; 11 years from June 30, 1973, through June 29, 1984; and 1 year for the more than 50 points he earned from June 30 through November 8, 1984. Because he did not earn at least 50 points each year he was a member of the Navy Reserve, those 4 years did not count as satisfactory years toward a regular Reserve retirement.

Following his disability retirement, the applicant filed a claim for disability benefits with the Department of Veterans' Affairs (DVA). The DVA also awarded the applicant a 70% combined disability rating based on a 60% rating for severe arteriosclerosis with history of interior and anterior wall myocardial infarction; 20% for Diabetes Mellitus; and 10% for aphasia, secondary to intracerebral hemorrhage. However, the DVA compensated the applicant at the 100% rate because he was deemed to be unemployable based on his service-connected disabilities.

On February 17, 1989, following a periodic physical examination, the CPEB recommended that the applicant be permanently retired with a 70% combined disability rating, based on a 60% rating for arteriosclerotic heart disease following his heart attack, a 10% rating for mild Diabetes Mellitus, and a 10% rating for his slurred speech resulting from his cerebral hemorrhage. The applicant did not object to the findings and recommendation of the CPEB. On April 10, 1989, the applicant was informed that his name had been moved from the TDRL to the Permanent Disability Retired List with a 70% disability rating.

On May 7, 2004, the Coast Guard sent the applicant a revised Computation of Retirement Point Credits with a letter noting that a satisfactory year toward retirement, which requires 50 points to be accumulated during an anniversary year, differs from a year for pay purposes, which requires mere membership. The letter pointed out that the applicant had earned 16 satisfactory years toward retirement (20 years are required). The letter also pointed out that, as the applicant enlisted on June 30, 1973, and had exactly eight years of prior service, his pay base date was June 30, 1965. Therefore, when he retired on November 8, 1984, he had less than twenty years of service for pay purposes. The letter stated that his time for pay purposes amounted to 19 years, 4 months, and 8 days.

On May 21, 2004, the applicant wrote to the Personnel Service Center. He noted that he had been working to try to gain eligibility for concurrent receipt of retirement and disability pay. He stated that he had recently received a Computation of Retirement

ment Point Credits and that he agreed with the figures therein. The attached form, dated March 31, 1981, shows that his pay base date was June 30, 1965 (which is calculated by subtracting all days of military service from the current date), and that his active duty base date (which is calculated by subtracting all days of active duty and active duty for training from the current date) was August 14, 1975. Based on the June 30, 1965, pay base date, the form indicates that as of March 26, 1981, the applicant had 15 years, 8 months, and 27 days of service for pay purposes.

On December 14, 2004, CGPC informed the applicant that a "creditable service chart show[s] you had nineteen years and four months of active time."

Records Regarding Disputed Ribbons in Block 13 of the DD 214

On August 26, 1978, the Commander of the Third Coast Guard District awarded the applicant the Coast Guard Reserve Meritorious Service Ribbon with a bronze star in lieu of a second award.

On February 22, 1984, the applicant was found "UQ," or unqualified, during a shotgun course. However, he qualified as a marksman, "MM," with both a pistol and rifle. His rifle and pistol ribbons are noted in block 13 of his DD 214.

Records Regarding Disputed Military Education in Block 14 of the DD 214

Endorsed orders and certificates submitted by the applicant indicate that he completed the following military training courses:

- Aviation Structural Mechanic School Class A, July 1953;
- Naval School Airship (non-pilot) Class C, June 1954;
- Outboard Motor School, April 1974;
- Senior Petty Officer Leadership & Management School, July 1977;
- Instructor Training, January 1980;
- Recruiter Training School, June 1980; and
- Reserve Unit Administration Course, June 1981.

VIEWS OF THE COAST GUARD

On November 29, 2005, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Chair close the case administratively because of certain corrections the Coast Guard Personnel Command (CGPC) had made to the applicant's DD 214 with a correction form DD 215 after reviewing his application. The JAG attached and adopted a memorandum on the case prepared by CGPC.

CGPC stated that it has issued the applicant a DD 215, dated November 3, 2005, with the following changes to block 12 of his DD 214:

BLOCK	CONTENTS	DD 214 ENTRY	DD 215 ENTRY
12.a.	Date Entered AD This Period	80 05 01 (May 1, 1980)	No change
12.b.	Separation Date This Period	84 11 08 (Nov. 8, 1984)	No change
12.c.	Net Active Service This Period	04 yrs., 06 mos., 08 days	No change
12.d.	Total Prior Active Service	04 yrs., 10 mos., 14 days	04 yrs., 08 mos., 17 days
12.e.	Total Prior Inactive Service	10 yrs., 01 mo., 17 days	10 yrs., 1 mo., 14 days
12.g.	Sea Service	None	No change

CGPC stated that the changes in blocks 12.d. and 12.e. resulted from a new Statement of Creditable Service (SOCS) provided by the Personnel Service Center. CGPC stated that no change had been made to block 12.g. because that block is not supposed to be cumulative. Therefore, only sea service performed during the enlistment is entered in this block, and the applicant's foreign and sea service in the Navy may not be included on his Coast Guard DD 214.

The DD 215 also added the Coast Guard Reserve Meritorious Service Ribbon with bronze star to block 13 of the DD 214. Regarding the applicant's request for a Shotgun Marksmanship Ribbon, CGPC stated that the Coast Guard does not issue such a ribbon.

The DD 215 added Recruiting School and Reserve Administration School to block 14 of the DD 214. CGPC explained that block 14 is not cumulative and so is supposed to include only those courses attended during the period covered by the DD 214. Therefore, only the two courses that the applicant completed between May 1, 1980, and November 8, 1984—Recruiter Training School and the Reserve Unit Administration Course—should appear in block 14 of the DD 214.

The SOCS provided by CGPC, which is dated November 2, 2005, included the following periods of active duty:

Began Active Duty	Ended Active Duty	Time on Active Duty			Running Total
		Years	Months	Days	
10/4/51	10/3/55	04	00	00	
3/31/74	4/12/74	00	00	13	04 00 13
4/13/75	4/25/75	00	00	13	04 00 26
9/7/75	9/19/75	00	00	13	04 01 09
8/23/76	9/3/76	00	00	12	04 01 21
9/12/76	9/24/76	00	00	13	04 02 04
6/11/77	6/11/77	00	00	01	04 02 05
7/17/77	7/29/77	00	00	13	04 02 18
9/19/77	9/30/77	00	00	12	04 03 00
5/29/78	6/30/78	00	01	02	04 04 02
9/5/78	9/29/78	00	00	25	04 04 27
12/27/78	1/26/79	00	01	00	04 05 27

4/8/79	4/20/79	00	00	13	04 06 10
7/1/79	8/24/79	00	01	24	04 08 04
1/6/80	1/18/80	00	00	13	04 08 17
5/1/80	11/8/84	04	06	08	09 02 25
Rough totals		08	09	175	
Equivalent totals		08	09	05 m, 25 d	
Combined total		09	02	25	

The SOCS also shows the following periods of inactive duty:

Began Inactive Duty	Ended Inactive Duty	Time on Inactive Duty			Running Total
		Years	Months	Days	
10/4/55	10/3/59	04	00	00	
6/30/73	3/30/74	00	09	01	04 09 01
4/13/74	4/12/75	01	00	00	05 09 01
4/26/75	9/6/75	00	04	11	06 01 12
9/20/75	8/22/76	00	11	03	07 00 15
9/4/76	9/11/76	00	00	08	07 00 23
9/25/76	6/10/77	00	08	16	07 09 09
6/12/77	7/16/77	00	01	05	07 10 14
7/30/77	9/18/77	00	01	19	08 00 03
10/1/77	5/28/78	00	07	28	08 08 01
7/1/78	9/4/78	00	02	04	08 10 05
9/30/78	12/26/78	00	02	27	09 01 02
1/27/79	4/7/79	00	02	11	09 03 13
4/21/79	6/30/79	00	02	10	09 05 23
8/25/79	1/5/80	00	04	11	09 10 04
1/19/80	4/31/80	00	03	12	10 01 16
Rough totals		05	56	166	
Equivalent totals		05	4 y, 8 m	5 m, 16 d	
Combined total		10	01	16	

The SOCS shows that the applicant's "Total Creditable Active Duty" is 9 years, 2 months, and 25 days and that his "Total Creditable Service for Pay" is 19 years, 4 months, and 9 days. It does not provide a total for inactive duty.

Neither the JAG nor CGPC addressed the applicant's request that the Board correct his record to show that he had 20 years of service so that he would be eligible for concurrent receipt of disability and retirement pay (CRDP).

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

The applicant responded twice to the actions and recommendation of the Coast Guard: once when he received the DD 215 directly from the CGPC and once when he received a copy of the JAG's submissions from the BCMR.

The applicant stated that he concurred with the SOCS in that it shows that he accumulated 9 years, 2 months, and 25 days of active duty. However, he repeated his allegation that his total creditable service for pay amounted to 20 years, 1 month, and 25 days. Regarding the change to block 12.d. on the DD 215, the applicant noted that it says 4 years, 8 months, and 17 days, but he had exactly 4 years of active duty in the Navy. Regarding the change to block 12.e. on the DD 215, the applicant stated that his calculations show that he had 10 years, 11 months, and 0 days of inactive service.

Regarding block 13, the applicant stated that a ribbon for recruiters was authorized shortly after he completed Recruiter Training. He asked that this ribbon be added to block 13 of his DD 214. Regarding block 14, the applicant again asked that Outboard Motor School, Officer & Chief Leadership School, and Instructor Training School be added to this block.

The applicant further alleged that the SOCS erroneously indicates that his rank was AM3 rather than AMS3 while he in the Navy Reserve; that his rank was unknown from June 30, 1973, through September 24, 1976; and that from September 25, 1976, until his retirement, his rank was FTC/E7. The applicant stated that in fact his rank was AMS3 while he was in the Navy Reserve and FI1/E6 from June 30, 1973, until he advanced to FIC/E7 (not FTC) on April 1, 1977. In support of these allegations, the applicant submitted (a) a copy of his Navy DD 214 noting his rating change to AMS3; (b) a copy of his June 30, 1973, enlistment contract, which shows that he was enlisted as an FI1/E-6; (c) copies of various documents showing that he retained this rate and was consistently recommended for reenlistment; and (d) and a copy of a letter dated March 17, 1977, which shows that his advancement to chief firefighter (FIC/E-7) was authorized as of April 1, 1977. In addition, block 12.h. of the applicant's DD 214 shows that his date of pay grade was April 1, 1977.

The applicant also submitted many letters of appreciation he received for his excellent work.

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 submissions, and applicable law:

1. The Board has jurisdiction over this matter pursuant to the provisions of 10 U.S.C. § 1552.

2. The applicant alleged numerous errors on his DD 214, which is dated November 8, 1984. An application to the Board must be filed within three years of the day the applicant discovers the alleged error in his record that he wants corrected. 10 U.S.C. § 1552(b). Although the applicant stated that he discovered the alleged errors in 2003, the Board finds that he knew or should have known about the alleged errors when he received the DD 214. Therefore, his original application was untimely. However, the Coast Guard responded to the application by issuing the applicant a new SOCS and a DD 215 on November 2 and 3, 2005, respectively. As the applicant contests the accuracy of both of these new military records and his complaints with respect to these new records are timely, the Board finds that it is in the interest of justice to excuse the untimeliness of the original application pursuant to 10 U.S.C. § 1552(b) and to consider all of his allegations on the merits.

3. The applicant served in the Navy for exactly 4 years from October 4, 1951, through October 3, 1955. He was a member of the Navy Reserve for exactly 4 years from October 4, 1955, through October 3, 1959. Finally, he was a member of the Coast Guard Reserve from June 30, 1973, through November 8, 1984, which—when calculated year by year, month by month, and day by day—amounts to

- 11 years for the period June 30, 1973, through June 29, 1984;
- 04 months for the period June 30, 1984, through October 29, 1984; and
- 10 days for the period October 30, 1984, through November 8, 1984.

Therefore, with exactly 8 years of prior service in the Navy and Navy Reserve, the applicant's maximum total time as a member of the military is 19 years, 4 months, and 10 days. Although the applicant alleged that he had more than 20 years of creditable service, his calculations cannot be correct given that his total time as a member of any military service is absolutely no more than 19 years, 4 months, and 10 days. Moreover, the military services calculate time for various purposes by various methods in accordance with regulation. Therefore, this simple calculation by the Board does not prove that the Coast Guard's calculations of time for various purposes are erroneous.

4. The applicant disputed the "Total Creditable Service for Pay" shown on the SOCS issued on November 2, 2005: 19 years, 4 months, and 9 days. Calculations of

creditable service for pay are determined by regulation. Appendix C of the Personnel and Pay Procedures Manual requires creditable service for pay to be calculated as follows: the date of separation minus the date of entry plus one “inclusive” day. Thus, the applicant’s creditable service for pay includes his 8 years in the Navy and Navy Reserve plus his time in the Coast Guard Reserve calculated in accordance with the rule:

Date of separation	1984	11	08
Date of enlistment	-	<u>1973</u>	<u>06 30</u>

Because one cannot subtract 30 from 08, a month of days (30 days) is taken from the months column, which is therefore reduced by one month, so that the subtraction is performed as follows:

Date of separation	1984	10	38
Date of enlistment	-	<u>1973</u>	<u>06 30</u>
		11	04 08
Plus one inclusive day	+		<u>01</u>
Creditable Service for Pay	11	04	09

Adding the applicant’s 8 years of creditable service in the Navy and Navy Reserve to this total brings the applicant’s Total Creditable Service for Pay to 19 years, 4 months, and 9 days, just as the SOCS shows. Therefore, the Board finds that the Total Creditable Service for Pay on the applicant’s most recent SOCS has been calculated in accordance with regulation and is not erroneous. Although it differs by one day from the total military service calculated by the Board in finding 3, the military services calculate time for various purposes by the methods prescribed by regulation, and along with the effects of leap years, the methods prescribed by regulation sometimes produce unexpected results.

5. Moreover, the Board notes that “creditable service for pay” is not equivalent to “satisfactory service for retirement purposes.” To be eligible for a Reserve retirement, a reservist needs 20 years of satisfactory service. Only anniversary years in which the reservist has earned at least 50 points count as satisfactory years of service for retirement purposes. 10 U.S.C. § 12732. Creditable service for pay is used to determine a member’s seniority (number of years in military service) and it affects his pay rate within his pay grade; it is not relevant to his eligibility for retirement pay.

6. The SOCS issued by the Coast Guard on November 2, 2005, shows that the applicant served a total of 9 years, 2 months, and 25 days on active duty throughout his military career in the Navy, Navy Reserve, and Coast Guard Reserve. The applicant stated that he does not dispute this amount as his total active duty. However, the applicant did dispute the figure for Total Prior Active Service in block 12.d. of his DD 214. DD 214 entries are determined by the regulations in COMDTINST M1900.4. Chap-

ter 1-C of this manual provides the instruction for entering data in the various blocks. The instruction for block 12.d. states the following: "Enter the years, months, and days of service creditable for basic pay for all active service prior to the date entered in block 12.a. This computation will include all periods of active duty training performed in any branch of the Armed Forces." The "Running Total" column in the table at the top of page 6 shows that when the applicant entered active duty on May 1, 1980, he had 4 years, 8 months, and 17 days of prior active service. Therefore, the DD 215 that the Coast Guard issued on November 3, 2005, is correct with respect to block 12.d.

7. The applicant also disputed the amount of Total Prior Inactive Service in block 12.e. of his DD 214. Chapter 1-C of COMDTINST M1900.4 provides the following instruction for completing block 12.e.: "Enter the years, months, and days of service creditable for basic pay for inactive service completed prior to the date entered in block 12.a. Active Duty Training computation must be subtracted from the total prior inactive service computation, since the ADT computation is cited as part of block 12.d." Therefore, pursuant to this regulation, Total Prior Inactive Service in block 12.e. is calculated by subtracting the Total Prior Active Service in block 12.d. from the member's Total Creditable Service for Pay prior to the date of entry on active duty in block 12.a. As stated in finding 4, the applicant's latest SOCS correctly shows that his Total Creditable Service for Pay is now 19 years, 4 months, and 9 days. Since block 12.e. is supposed to show only inactive service prior to the period covered by the DD 214, the active duty shown in block 12.c. of the DD 214 must also be subtracted from a Total Creditable Service for Pay calculated after the member's separation. Subtracting the active duty reflected on the DD 214 in blocks 12.c. (Net Active Duty This Period) and 12.d. (Total Prior Active Service) results in the following calculation:

Total Creditable Service for Pay as of 11/2/2005	19	04	09
Net Active Duty This Period (block 12.c.)	-	04	08
Subtotal ²	14	10	01
Total Prior Active Service (block 12.d.)	-	04	17
Total Prior Inactive Service ³	10	01	14

Therefore, calculated in accordance with regulation, the applicant's Total Prior Inactive Service in block 12.e. of his DD 214 should be 10 years, 1 month, and 14 days. This is the amount of inactive service he had completed when he began extended active duty on May 1, 1980. Therefore, the DD 215 issued on November 3, 2005, is correct with respect to block 12.e. Block 12.e. on the applicant's DD 214 has been properly corrected by the DD 215 in accordance with Chapter 1-C of COMDTINST M1900.4. This cal-

² As in finding 4, to subtract 6 months from 4 months, one must take 1 year (12 months) from the year column and so subtract 6 months from 16 months.

³ As in finding 4, to subtract 17 days from the 1 day in the subtotal, one must take 1 month (30 days) from the month column and so subtract 17 days from 31 days.

calculation of Total Prior Inactive Service may seem erroneous since, if one adds all periods of inactive service shown on the SOCS as in the table on page 7, one arrives at a total of 10 years, 1 month, and 16 days. However, various calculation methods produce different results, which are also often affected by leap years. As the above calculations show, the method prescribed by regulation produces the result shown on the DD 215.

8. The applicant alleged that block 12.g. of his DD 214 should show 2 years, 7 months, and 16 days of Navy sea service. His Navy DD 214 shows 2 years, 7 months, and 16 days of "foreign and/or sea service," apparently for his service at the naval air station on Guam. However, Chapter 1-C of COMDTINST M1900.4 provides the following instructions for completing block 12.g. on a DD 214: "Enter the years, months, and days of sea service from the date entered in block 12.a. through the date entered in block 12.b." (Similar instructions are provided for entering the figure for foreign service in block 12.f.) Blocks 12.a. and 12.b. on the DD 214 correctly show the first and last dates of the period of active duty covered by the DD 214: May 1, 1980, and November 8, 1984. The applicant has not shown that he performed any sea service or foreign service between May 1, 1980, and November 8, 1984. Therefore, blocks 12.f. and 12.g. on the DD 214 are correct and in accordance with regulation in showing that the applicant performed no foreign service or sea service from May 1, 1980, to November 8, 1984.

9. The applicant asked the Board to correct block 13 of his DD 214 by adding a Coast Guard Reserve Meritorious Service Ribbon with bronze star and a Coast Guard Shot Gun Marksmanship Ribbon. The Coast Guard added the Reserve Meritorious Service Ribbon to block 13 when it issued the DD 215 on November 3, 2005. The Coast Guard further stated that it has no marksmanship ribbon for proficiency with a shotgun. The Board's review of the Medal and Awards Manual confirms this claim. The manual includes ribbons for proficiency with a pistol or rifle, both of which are already noted on the applicant's DD 214, but none for proficiency with a shotgun.

10. In his response to the Coast Guard's recommendation, the applicant asked that a Recruiting Ribbon be added to block 13 of his DD 214. He alleged that he should be eligible because he completed Recruiter Training in June 1980, shortly after he began serving on extended active duty. Chapter 5.B.12.a.(1) of the Medals and Awards Manual states that to be eligible for a Recruiting Service Ribbon a member on active duty must "successfully complete a PCS tour (at least two consecutive years of duty) in recruiting [to be] eligible for the award. The award is retroactive to those personnel who have successfully completed at least two consecutive years of duty in recruiting on or after 1 January 1994." Chapter 5.B.12.a.(2) of the Medals and Awards Manual states that "[i]nactive duty Reserve personnel who complete recruiter personnel qualification standards and drill at or augment a recruiting office for a minimum of two years. (Subsequent awards are not authorized. All service after 1 January 1980 may be credited.)" Although the applicant was a reservist, he was serving on active duty when he completed Recruiter Training. Therefore, the eligibility criteria in Chapter 5.B.12.a.(1) seem to apply, and the applicant has not shown how he is eligible for the ribbon under these criteria since none of his service was performed "on or after 1 January 1994."

In addition, the applicant's record indicates that he served as a trainer at Fire School rather than as a recruiter during his extended active duty. Moreover, since the applicant did not raise this issue in his original application, the Coast Guard has not had an opportunity to address it. The Board finds that the applicant has not proved by a preponderance of the evidence that he is entitled to the Recruiting Service Ribbon.

11. The applicant asked the Board to correct block 14 of his DD 214 by adding the following military courses:

- Aviation Structural Mechanic Class A (8 weeks, 7/11/52);
- Naval School Airship (non-pilot) Class C (4 weeks, 6/18/54);
- Outboard Motor School (2 weeks; 4/12/74);
- Officer & Chief Leadership School (2 weeks, 7/29/77);
- Instructor Training School (2 weeks, 1/18/80);
- Recruiting School (3 weeks, 6/2/80); and
- Reserve Administration School (2 weeks, 6/21/81).

The Coast Guard corrected block 14 on November 3, 2005, by adding notations for his completion of Recruiting School and Reserve Administration School during the period covered by the DD 214: May 1, 1980, through November 8, 1984. The Coast Guard stated that coursework performed prior to the period of active duty covered by the DD 214 is not supposed to be entered in block 14. Chapter 1-C of COMDTINST M1900.4 provides the following instructions for entering coursework in block 14: "To assist the former service member in employment placement and job counseling, those formal service schools and in-service training courses captured in PMIS/JUMPS and successfully completed during the period of service covered by the form will be entered in this block." Thus, since the applicant's DD 214 documents his service from May 1, 1980, through November 8, 1984, only the courses he completed during that period should appear in block 14. Aside from Recruiting School and Reserve Administration School, which have already been added to the DD 214 by the issuance of the DD 215, all other courses cited by the applicant were completed before May 1, 1980, and so should not appear in block 14.

12. The applicant objected to the fact that the SOCS issued on November 2, 2005, cites his rate erroneously. He noted that his Navy DD 214 states that his rate would be AMS3 while he served in the Navy Reserve. Moreover, his rate in the Coast Guard Reserve from June 30, 1973, through March 31, 1977, was FI1/E-6, not "unknown" as the SOCS states, and his rate thereafter was FIC/E7, rather than FTC/E7. The Board finds that the applicant has proved that his SOCS is erroneous in these respects as there is ample documentation in his record to confirm his rate. His Navy DD 214 clearly states that his rate in the Navy Reserve would be AMS3. The applicant enlisted in the Coast Guard Reserve on June 30, 1973, as an FI1 and remained in that rate until advanced to FIC on April 1, 1977. Although the applicant raised this issue in

his response to the Coast Guard's advisory opinion, the necessary corrections are sufficiently administrative in nature that the Board will order the Coast Guard to make them and to reissue the applicant a corrected SOCS. In this regard, the Board notes that the use of FTC in lieu of FIC on the SOCS is likely due to the fact that after the applicant retired, the nomenclature for firefighters changed and they became fire control technicians abbreviated as FT instead of FI.

13. The applicant argued that he should be entitled to concurrent receipt of disability pay and retirement pay (CRDP) under 10 U.S.C. § 1414 because he has more than 20 years of creditable service. However, as shown in finding 3 above, the applicant spent at most 19 years, 4 months, and 10 days as a member of a military service; and as stated in finding 5, creditable service for pay is not relevant to a member's eligibility for retirement. In enacting CRDP under 10 U.S.C. § 1414, Congress authorized concurrent disability and retirement pay only for disabled veterans who (a) have completed at least 20 years of active duty toward a regular retirement or (b) have completed 20 years of satisfactory service toward a Reserve retirement. The applicant performed only 9 years, 2 months, and 25 days of active duty, so he cannot be eligible for regular retirement pay. Furthermore, he has only 16 satisfactory years of service toward a Reserve retirement, so he cannot be eligible for Reserve retirement pay. Because under 10 U.S.C. § 12732 an anniversary year is not "satisfactory" for Reserve retirement purposes unless the member earns at least 50 points during the year, none of the applicant's 4 years in the Navy Reserve were satisfactory for retirement purposes. The applicant's satisfactory years of service for retirement purposes were as follows: 4 years on active duty in the Navy; 11 anniversary years in the Coast Guard Reserve from June 30, 1973, through June 29, 1984; and 1 (one) year for the remainder (partial anniversary year) of his service from June 30, 1984, through November 8, 1984. As the applicant accumulated only 16 satisfactory years toward a Reserve retirement and less than 10 years of active duty toward a regular retirement, he is not eligible for CRDP under current law.

14. The Board concludes that the applicant has not proved by a preponderance of the evidence that his DD 214 as corrected by the DD 215 issued on November 3, 2005, contains any error or injustice. The only errors found by the Board are those concerning the notations of his rate on the SOCS issued on November 2, 2005.

15. Accordingly, the Board should grant the relief described in finding 12 above with respect to the applicant's SOCS, but all other relief should be denied.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of xxxxxxxxxxxxxxxxxxxxxxxxxxxx, USCGR (retired), for correction of his military record is granted in part as follows:

The Coast Guard shall issue him a new Statement of Creditable Service reflecting the following rates and pay grades:

- As a member of the U.S. Navy from October 4, 1951, to October 4, 1955, his rate was AM3/E4.
- As a member of the U.S. Navy Reserve from October 4, 1955, to October 3, 1959, his rate was AMS3/E4 (rather than "AM3/E4").
- As a member of the U.S. Coast Guard Reserve from June 30, 1973, to March 31, 1977, his rate was FI1/E6 (rather than "unknown").
- As a member of the U.S. Coast Guard Reserve from April 1, 1977, to November 8, 1984, his rate was FIC/E7 (rather than "FTC/E7").

No other relief is granted.

