


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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-151


EN2 (former)

FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the completed application on August 21, 2024 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 May 22, 2025, is approved and 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, a former engineman second class (EN2) who was honorably discharged from the Coast Guard on July 30, 1969, asked the Board to correct his record to show that he served in Vietnam. He argued that his record should be corrected because he traveled to Tan An Hut Air Base in Vietnam on or about August 2, 1967, while assigned to 9th District HQ in Cleveland, Ohio.

In support of his application, he submitted a copy of a DD 214 which is summarized below. He indicated that he discovered the alleged error in his record in 1969 but argued that the Board should find it in the interest of justice to consider his application because although he didn't finish his tour in Vietnam, he should nonetheless "receive credit for it."

SUMMARY OF THE APPLICANT'S RECORD

The applicant served on active duty in the Coast Guard from July 31, 1965 to July 30, 1969, and was issued a DD 214 documenting this period of service. His Service Record card in his military record is a comprehensive list of every place he was assigned to from July 31, 1965 to July 30, 1971 and every duty station on the list is within the United States. The applicant's record, however, does contain an administrative remarks form which states the following:

14 September 1967: Transferred to Commander, Ninth Coast Guard District Office, Cleveland Ohio for further assignment to duty. Your orders directing your transfer to Commander, Coast Guard Activities, Vietnam and amended in accordance with COMDT (PE) message 020020Z Sep 67 (copy in service record).

Other than the reference to Vietnam on this form, there is nothing in the applicant's record to show that he served in Vietnam.

The applicant's DD 214 shows that he received the following decorations, medals, badges, commendation, citations and campaign ribbons:

National Defense Service Medal
Good Conduct Award

VIEWS OF THE COAST GUARD

On March 6, 2025, a judge advocate (JA) of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC stated that the applicant did not specify how he wants his record corrected, so PSC assumed that he is referring to campaign medals and other awards associated with the Vietnam War. Regarding the merits, PSC noted that the applicant's record shows that all of his assignments were within the United States and that there is nothing to indicate that he deployed overseas. Accordingly, PSC argued, there is no evidence in the applicant's service record to support his eligibility for Vietnam campaign or service medals.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On March 14, 2025, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty (30) days. The Chair did not receive a reply.

APPLICABLE LAW AND POLICY

COMDTINST M1900.4D contains the Commandant's instructions for completing the DD 214, and Chapter 1.D.2 provides that it must be accurate as of the date of separation. Chapter 1.E of the instruction states that the DD 214 should show "all decorations, medals, badges, commendations, citations, and campaign ribbons awarded or authorized for all periods of service."

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 concerning this matter pursuant to 10 U.S.C. § 1552. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.¹ The applicant was discharged from the Coast Guard on July 30, 1969, and did not submit his application to the Board until October 2, 2021. Moreover, he did not explain the delay in discovering the error nor did he persuade the Board that it should waive the statute of limitations and consider his request. Thus, his application is untimely.

2. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.² 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”³ 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.”⁴ In accordance with this direction, the Board has conducted a cursory review of the merits and finds no reason to excuse the untimeliness of the application:

a. The applicant did not explain or justify why he waited 52 years after his discharge to request correction of his military record. He failed to show that anything prevented him from seeking correction of the alleged error or injustice more promptly.

b. The applicant has not submitted any evidence of error or injustice. His DD 214s is presumptively correct because it documents his three-year period of active service, the two awards he earned, and was prepared in accordance with the Coast Guard Personnel Manual in effect in 1969.

c. The applicant has failed to overcome the presumption that that his record is correct and that his DD 214 documents all of the medals and awards he was eligible to receive during that period of service. His military record does not contain anything to definitively show that he served in Vietnam and he has not provided the Board with any evidence that he served in Vietnam. Therefore he is ineligible to receive a correction to his record.

3. Accordingly, the Board will not excuse the application’s untimeliness, and his request should be denied.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

¹ 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

² *Id.*; 33 C.F.R. 52.22.

³ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁴ *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

ORDER

The application of former EN2 [REDACTED] USCG, for correction of his military record is denied.

May 22, 2025

