

DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS

**Application for Correction of
The Coast Guard Record of:**

BCMR Docket No. 2025-045


E-6 (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 May 13, 2020, and assigned the case to a staff attorney to prepare the decision in accordance with 33 C.F.R. § 52.61(c).

This final decision, dated October 30, 2025, is approved and signed by the three (3) duly appointed members who were designated to serve as the Board in this case.

APPLICANT’S REQUEST AND ALLEGATIONS

Applicant’s submission arises out of claims for disability he filed with the Veterans Administration (VA) in 2015. Applicant requests that medical documentation in his military record be corrected, “in order to receive a fair and objective response from the VA.”

Applicant alleges that specific information is missing from abstract medical entries (Form 4392) and sick call entries (Form 3444) in his military record. He attributes this missing information to “careless reporting by the corpsman HM1[.]” while other information was “likely logged onto a different health record by mistake.”

Applicant’s request for his medical records from a military records custodian, was unsuccessful. He offers that certain records which were lost in a fire decades ago, may have included his files. Since 2015, Applicant has visited the National Archives in Washington, DC, and searched through vessel logbooks for entries from specific time periods he served. By anecdote, he offers that hospital visits for servicemember treatments during those periods were “extremely high for a vessel of 60 men,” further offering that the errors were also “very high”.

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Applicant submitted the following materials in support of his application:

1. DD-149;
2. Hospital records for examinations Applicant underwent on dates which are missing in vessel logbooks;
3. USCG Forms 4392 and 3444, for 1968-1969;
4. Notarized statements of Applicant;
5. Correspondence from the USCG Commandant, dated 7/05/2018;
6. Correspondence from a military storage facility, dated 5/16/2016.

SUMMARY OF THE RECORD

Applicant asserts that medical records in his permanent file must be amended for his VA disability claim to be favorably considered. Specifically, Applicant appears to have been investigating the causes of certain health conditions which may form the basis of his VA claims. Applicant asserts that conditions which appear on his medical forms are not accurate. He states that his actual conditions were more serious than the ones described per entry. He further states that he was hospitalized for 10 days, which he asserts does not appear in his military record.

In his response to the USCG Advisory Opinion, he includes logbook entries and additional documentation concerning his allegations. In his notarized statements, Applicant explains that he and fellow members serving in Alaska and Washington State often performed “very dangerous...jobs,” including “sandblasting, repainting ocean buoys,” painting with “lead paint” and various other duties which “someone was hurt all the time.” He further describes close living quarters aboard: “25 people per room” and “clothing locker...in the adjacent room but still connected to the berthing area.” Applicant includes documentation that he was treated for tuberculosis and a broken limb while serving.

Finally, it is worth noting that Applicant includes a letter from the USCG PSC Deputy Commander, replying to Applicant’s 2018 inquiry about a possible medical retirement. PSC states that Applicant’s documentation at separation showed he separated from the USCG “under normal circumstances (i.e. to attend college). Accordingly, you are not eligible to receive a medical retirement.”

USCG did not provide any materials from Applicant’s permanent file.

VIEWS OF THE COAST GUARD

On May 6, 2025, the Judge Advocate General of the Coast Guard submitted an Advisory Opinion (AO) recommending that Applicant’s request be denied, in accordance with CG PSC’s comments. In particular, CG JAG asserts that laches should apply to this matter due to Applicant’s delay in filing his application. CG JAG explains that the records requested for correction are more than 60 years old, and there is no current documentation to support the changes requested. Essentially, USCG cannot determine whether an error or injustice occurred.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

The Chair sent Applicant the Coast Guard's Advisory Opinion and invited him to respond within thirty days. On June 27, 2025, the Applicant responded with objections to the USCG's recommended denial and enclosed the following for consideration: 1) two (2) notarized statements by Applicant, 2) a letter from a military records custodian, and 3) logbook entries from Applicant's service, copied from the National Archives. Applicant further asserted that, concerning his particular case, it was his opinion that documentation from the 1960's was "not only lacking, but ...possibly outright lies and falsehoods."

APPLICABLE REGULATIONS

10 U.S.C. § 1552(a) provides, in pertinent part that military records may be corrected when it is "necessary to correct an error or remove an injustice."

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.¹ The incidents giving rise to the instant application occurred in 2015, when Applicant filed a disability claim with the VA. Applicant's submitted application for Board consideration was received in 2020, over five (5) years after discovery the alleged error or injustice. The instant application is not timely.
3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so. 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."
4. A review of the merits of this case reveals that Applicant's request does not warrant relief.
5. Applicant has alleged that his record is erroneous, missing information about purported medical conditions and treatments concurrent with his service. He requests specific amendments be made to his records, including the addition of dates on which he received treatments and medical conditions that he had.

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

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6. Applicant's request appears to arise from a disability filing to the VA he submitted on or about 2015. He separately presents evidence that he inquired about the possibility of a medical retirement from the USCG in 2018. In response to that inquiry, PSC stated that Applicant's file showed he separated for "normal circumstances," further including, "i.e.[,] to attend college".

7. A review of Applicant's provided documentation reveals that he did have certain medical conditions and treatments during the years in which he served. Also present in the materials, is additional information about Applicant's baseline health during his service.

8. Applicant's request for correction of his military record is not warranted under the circumstances.

9. Specifically, Applicant's request is to *correct* log entries and documentation specifically concerning medical information. A review of the entries in dispute reveal that they are not incorrect. In fact, the entries clearly establish that Applicant received medical attention. Though the records may be incomplete, that does not make them erroneous. Amending Applicant's records would constitute altering official records—records about which the original treating physician and corpsman have not (and possibly, cannot, at this point) be questioned. Such alterations would substantively change the documents, which are, in and of themselves, not erroneous, though purportedly missing information. It is not lost on the factfinders herein that patients often can and do present for medical attention without fully informing medical personnel of all maladies and conditions they may be managing. Such may have been the case in this matter. Regardless, given the issues underlying this request—VA submission—action to "correct" any materials, is not supported, and, indeed, would create inaccuracies in a military record, as they would constitute substantive changes retroactively made without evidence of incorrectness. Indeed, Applicant possesses medical information with which he can seek to buttress a disability claim, by explaining what he believes to be missing and the reasons for same.

10. Accordingly, the Board finds that excusal of the Applicant's failure to timely file this application is not warranted in the interest of justice. The Applicant's request is denied.

[ORDER AND SIGNATURE ON NEXT PAGE]

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ORDER

The application of E-6 [REDACTED], former USCG, for correction of various medical records in his official military record, is denied.

October 30, 2025

