

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2009-044

**XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX**

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the application upon receipt of the applicant's completed application on November 11, 2008, and subsequently prepared the final decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated April 22, 2010, 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 APPLICANT'S ALLEGATIONS

The applicant asked the Board to correct his record by upgrading his discharge to honorable and the reason for his discharge to convenience of the government, with the appropriate reenlistment and separation codes.

The applicant enlisted in the Coast Guard on July 31, 1978, and was discharged under other than honorable conditions (OTH) on April 30, 1981, for the good of the Service in lieu of trial by court-martial. He was assigned an RE-4 (not eligible to reenlist) reenlistment code and a KFS (discharge for the good of the Service) separation code. The applicant offered six reasons or bases for granting his request.

1. The applicant alleged that he suffered from psychological/emotional stress that was exacerbated by an extreme family hardship. He also alleged that he suffered from mental duress, confusion, and disordered and immature thinking. In support of this allegation, the applicant submitted several entries from his medical record.

An October 26, 1979 medical entry states that the applicant wanted out of the Coast Guard and had researched many possibilities for achieving this goal, including unauthorized absence, allergies, psychological reasons, and dual citizenship. The medical note does not state that the applicant had a specific medical complaint. It notes that the applicant was concerned about his mother and sister and that he was trying to take care of them because his father refused

or was unable to do so. The physician suggested a possible reassignment and the applicant indicated that he would look into that.

A January 30, 1980 psychiatric evaluation by a Harvard psychiatrist found that the applicant suffered from no major mental disorders. In this regard, the psychiatrist stated the following in his report:

[The applicant] currently does not have a serious depression, nor is he acutely suicidal or homicidal. I found no evidence of an illness of psychotic proportion either. I do however find [the applicant] to be extremely upset about his experience in the Coast Guard and very anxious and conflicted over his inability to support his mother during the current family hardship. [The applicant] seems to have functioned in support of his mother for many years, beginning in his adolescence, to fill in for his alcoholic father who was emotionally absent as a father and who only added financial hardship to an already beleaguered family . . .

Of interest at this time also is [the applicant's] differing perception of the Coast Guard versus the Army. He feels that the Coast Guard "does not care about anyone;" whereas, he feels that the Army takes care of their own. I think this differing perception has some[thing] to do with the fact that [the applicant's] payroll has been problematic on at least three occasions; but probably more to do with the fact that [the applicant's] family was undergoing such severe stress throughout the period of his enlistment. . .

The severe disruption in the family leaves [the applicant] feeling extremely angry, very disappointed, and yet a strong feeling that he must do something about it . . . It is my feeling that [the applicant] would have been able to adjust to the Coast Guard had it not been for the current disruption within the family.

I have suggested that [the applicant] seek psychiatric consultation on an ongoing, long term basis to deal with his feelings toward his family. It seems to me that his adaption to a life independent of his family will be in constant jeopardy and dependent upon the stable functioning of his unpredictable family unless he involves himself in psychotherapy.

A medical note dated June 9, 1980 indicated that the applicant had been evaluated on October 4, 1979 and no evidence of any gross psychiatric pathology was found. He was evaluated again on May 28, 1980, and he was found fit for full duty. The applicant was seen again on June 9, 1980 to determine his suitability for retention in the Coast Guard. A psychiatric social worker wrote the following in that regard:

In reality, the patient was seeking assistance in obtaining a discharge since his efforts to obtain a hardship discharge have been unsuccessful. This patient holds British and American citizenship. During the interview, he basically indicated that: (1) he does not wish a 12-B-16 discharge. (2) He is in process of pursuing an appeal of a decision disapproving his request for a hardship discharge . . . (3) If on

appeal, a hardship discharge is not granted, he plans to return to England, AWOL and remain a deserter. . .

Although a psychiatrist from Harvard Medical School saw this patient on 1/80, and recommended that this patient seek long-term treatment to help him deal with his feeling towards his family, this individual is not motivated to follow through. It was the impression that this patient is only motivated for help that will contribute toward him obtaining a hardship discharge.

2. The applicant contended that he was not able to adapt/adjust socially or psychologically to the Coast Guard. The applicant submitted entries from his medical and performance data record in support of this allegation. He noted that the Commandant, in denying his request for a hardship discharge on May 14, 1980, requested that the applicant be evaluated by a psychiatrist because he appeared to be a candidate for an unsuitability discharge. The applicant requested the evaluation and on May 28, 1980, he was evaluated and was found to be fit for full duty.

On February 19, 1981, the applicant underwent another psychological evaluation that found him to have no ratable disabilities under Veterans Administration (VA) guidelines. In fact, the psychologist found that the applicant was fit for duty and/or any administrative action the command deemed appropriate. The psychologist's impression was that the applicant would continue to be a disciplinary problem for the Coast Guard because of his determination to leave the Coast Guard under any conditions. The report stated that if the applicant were retained in the Coast Guard, he would continue his unauthorized absences.

3. The applicant offered his honorable discharge from the Army as the third reason he should have his Coast Guard OTH discharge upgraded. He submitted letters and certificates of appreciation earned while in the Army and he noted his Vietnam veteran status. He also noted his National Defense Service Medal, Armed Forces Expeditionary Medal, and Army Good Conduct Medal.

4. The fourth reason offered by the applicant for relief is that he should have been given a medical discharge for asthma, which he claimed was never adequately evaluated due to a lack of diagnostic equipment and specialist at the pertinent public health facility. Medical reports show that the applicant reported to the clinic on December 4, 1978, claiming to be asthmatic and requesting a discharge medical evaluation. On December 8, 1978, a military doctor stated that there was inadequate medical evidence to support a medical discharge due to asthma. He noted that the applicant's last allergy shot was 1966. Subsequent, medical notes show that the applicant reported to the clinic complaining of asthma attacks at various times in 1979. On October 4, 1979, an allergist evaluated the applicant, but there is no indication that he was found to be unfit for active duty. The applicant submitted a post-service 1988 letter from a physician stating that the applicant was considered to be asthmatic. The applicant also submitted two medical reports showing that he was treated for asthma as a minor.

5. The applicant's fifth allegation of error is that the Commandant unfairly denied his request for a hardship discharge. On March 11, 1980, the applicant requested a hardship

discharge to provide physical and financial support for his mother.¹ On April 7, 1980, the Commander, Atlantic Area forwarded the applicant's hardship request recommending approval. On May 14, 1980, the Commandant denied the applicant's request for a hardship discharge because it did not meet the requirements outlined in the Personnel Manual, but the Commandant requested that the applicant be evaluated by a psychiatrist because he appeared to be a candidate for an unsuitability discharge.² On June 13, 1980, the applicant requested that the Commandant review his hardship request again. On June 17, 1980, the Commander, Atlantic Area forwarded the applicant's request for a re-review of his hardship discharge request. However, the Commander informed the Commandant that subsequent to the applicant's initial hardship request, his mother was approved as his dependent and he was eligible for family quarters and BAQ. According to the commander, the applicant declined the offer and indicated that it would be too disruptive for the family to move his mother into military housing located on Governor's Island and that the move would cause more problems than it would solve. On July 15, 1980, the Commandant again disapproved the applicant's request for a hardship discharge. The Commandant stated the following: "It appears that the government has provided a solution to your problem in that your mother has been designated a dependent and you do qualify for housing on Governors Island. Your request is not so unique, as there are many Coast Guard families enduring hardship and family separation. Therefore, your request for hardship discharge is again disapproved."

6. The applicant's sixth allegation of error is that since his discharge from the Coast Guard, he has been a model citizen. He stated that he has no criminal convictions or arrests. He also stated that he is a property owner and a productive member of society. He submitted various letters, certificates of accomplishments, and photographs supporting this contention.

¹ In requesting a hardship discharge, the applicant stated that his present situation "involves a continued and prolonged hardship involving [his] 57 year old mother, and that the situation itself remains unnecessarily aggravated and unresolved since [his] enlistment in the Coast Guard on 31 July 1978." The applicant described his mother's situation as follows:

- In August 1979, as a result of my brother reaching 18 years of age . . . the Massachusetts Department of Welfare terminated my mother's Aid for Dependent Children (AFDC) payments, and the associated Medicaid assistance she was previously entitled to.
- During the same period, my father who is chronically alcoholic and living apart from my mother determined that his family responsibility ended on my brother's 18th birthday, and therefore stopped his weekly \$25.00 child support contribution to my mother, amounting to a realized income loss of approximately \$100.00 per month.
- From 27 July 1979 through 4 September 1979, my mother was medically diagnosed as suffering from Trichantheric Bursitis of the right leg. Secondary complications involve a ruptured spinal disk. While six week of bed rest, medications and doctor visits provided relief, her condition is very susceptible to aggravation and only light duties can be performed. Medical coverage was provided by Medicaid and general relief.

² The applicant was evaluated by a psychiatrist on May 28, 1980, and found to be fit for full duty.

The applicant stated that he discovered the alleged error on September 15, 2008, and that it is in the interest of justice to consider the merits of his application because he was only able to obtain his Coast Guard record within the last year, with the help of a United States senator. He stated that the other times he requested his Coast Guard record he was sent his Army record instead.

OTHER PERTINENT DOCUMENTS IN THE APPLICANT'S RECORD

The applicant's Coast Guard record indicates that on October 1, 1979, he was assigned to Commander, Atlantic Area, at Governor's Island, New York. He became an unauthorized absentee on November 18, 1979. Two days earlier, on November 16, 1979, the applicant telephoned a community mental health clinic in Massachusetts seeking an appointment. He was seen several hours later and indicated that he was despondent because of job duties, living conditions, and isolation. The letter from the chief social worker at the clinic stated that the applicant alleged that he had suicidal thoughts, such as jumping off a bridge. The letter also stated that the applicant said that his enlistment was an impulsive and unfortunate decision. The social worker stated that she wrote the letter at the applicant's request and that it in no way constituted a formal diagnosis. The applicant was declared a deserter on December 18, 1979. He surrendered to his command on February 4, 1980. On February 28, 1980, he was punished at captain's mast for the 78-day unauthorized absence.

After the denial of his hardship discharge request on May 14, 1980, the applicant began another period of unauthorized absence on August 4, 1980. He was declared a deserter on September 3, 1980. The record indicates that while an unauthorized absentee, he married a British citizen. The applicant surrendered to the Belvedere Police Station in Kent, United Kingdom, on January 23, 1981. He was returned to Coast Guard custody on February 3, 1981, where he was restricted to the limits of Governor's Island. On March 3, 1981, court-martial charges were preferred against the applicant for desertion, a violation of Article 85 of the Uniform Code of Military Justice (UCMJ).

On March 12, 1981, the applicant requested an OTH for the good of the Service in lieu of trial by court-martial under Article 12-B-21 of the Personnel Manual. He stated that he had consulted with a lawyer about his request and that he was completely satisfied with the counsel he had received. The applicant acknowledged the following:

3. I understand if this request is approved I will receive a discharge under other than honorable conditions. I understand that such a discharge may deprive me of virtually all veterans' benefits based upon my current period of active service and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing.
4. I understand that once this request is submitted it may only be withdrawn with the consent of the Commandant.

5. I understand that I may submit a sworn or unsworn statement in my behalf. My sworn statement is submitted herewith as enclosure (2).

6. This request is voluntarily submitted free from any duress or promises of any kind. I have asked my counsel, who has fully explained to me the implications of my request, to witness my signature.

7. I have retained a copy of this request for a discharge under other than honorable conditions for the good of the Service in lieu of trial by court-martial . .

On March 31, 1981, the applicant's CO recommended that the applicant's request for an OTH discharge be approved. The CO stated that shortly after the Commandant disapproved the applicant's request for a hardship discharge, the applicant deserted the Coast Guard. However, instead of going to Boston, where he claimed he was needed by his family, the applicant went to England. The CO stated that upon the applicant's return from UA he was evaluated by a Mental Health Services Branch in February 1981, where he was found fit for duty. The CO further stated:

[The applicant] has demonstrated that he owes little allegiance to the Coast Guard and has no intention of completing his obligation to the Coast Guard. He has attempted to be discharged from the Coast Guard by a number of subterfuges. When those attempts failed he went AWOL. The Coast Guard has made every reasonable attempt to solve his family hardships. His mother's dependency and eligibility were established and BAQ payments were authorized. This was some financial relief, but since the solution did not include a discharge he went to England. Instead of his family hardship in Boston, he now complains of new family hardships in England. It is our opinion that he will persist in his attempts to desert if he is not discharged from the Coast Guard.

The commander also noted that in December 1978, the applicant sought a medical discharge due to asthma. Upon examination, he was found not to have a medical disability warranting discharge from the service. He was also examined by an allergist on October 5, 1979 and was again not recommended for discharge.

The applicant submitted a two and one-half page statement regarding his request for an OTH discharge. He listed all of his complaints against the Coast Guard and stated that since his enlistment he has encountered numerous difficulties and ordeals including, but not limited to family hardship, medical and psychological problems, supervisory harassment, pay related crisis and financial setbacks. He stated that it was mutually advantageous to the Coast Guard, himself and his family for an expeditious discharge.

On April 8, 1981, the Commandant approved the applicant's OTH discharge and directed his discharge within 30 days from the date of the message. The applicant was discharged on April 30, 1981.

VIEWS OF THE COAST GUARD

On April 29, 2009, the Board received an advisory opinion from the Judge Advocate General (JAG), of the Coast Guard recommending that the applicant's request be denied. The JAG stated that the application was untimely because it was not filed within three years after the applicant discovered or should have discovered the alleged error or injustice. In this regard, the JAG stated that the applicant was discharged from the Coast Guard on April 30, 1981 and has been well aware of his discharge status since that time. Although untimeliness may be excused in the interest of justice, the applicant provided no rationale for his approximately 28-year delay.

The JAG also adopted the facts and analysis provided by Commander, Personnel Service Center (PSC) as a part of its advisory opinion. PSC addressed each of the applicant's contentions as follows:

1. The applicant alleged that he suffered psychological/emotional Stress exacerbated by extreme family hardship. PSC responded as follows:

Prior to requesting a hardship separation [the applicant] deserted the Coast Guard from 18 November 1979 to 4 February 1980. Upon surrendering himself back to the Coast Guard his command took family concerns under consideration at his mast . . . The command awarded him a suspended reduction in grade and suspended restriction. The command then assisted [the applicant] in his request to Commandant (G-PE) for a hardship discharge. Commandant (G-PE) denied this request as the Coast Guard had approved his mother for dependent status and family housing on Governor's Island. After [the applicant's] second request for a hardship discharge was denied he deserted again. It is noted that he did not desert to support his family but abandoned them and fled to England. His length of desertion was from 4 August 1980 to 4 February 1981. One could conclude from this that his previous argument of family hardship as a reason for discharge was a ruse that he was using to leave his contractual obligation to the Coast Guard.

2. The applicant alleged that he was unable to adapt and adjust socially and psychologically to the Coast Guard. PSC responded as follows:

[The applicant] was evaluated by mental health experts on several occasions. All of these pronounced him fit for full duty with the ability to know right from wrong . . . In addition his history of adjusting well to 3 years of active duty with the Army would indicate that he had the ability to adapt to the Coast Guard.

3. The applicant pointed to his prior honorable discharge from the Army. PSC responded as follows:

This is a poor argument as the characterization that he received from the Army is an evaluation of his active duty service during that time period. The characterization he received from the Coast Guard is an evaluation of his service

during the time period he spent with the Coast Guard. These are not related to one another.

4. The applicant alleged that he should have been given a medical discharge for asthma but was never adequately evaluated. PSC responded as follows:

This is not true. [The applicant] was evaluated and treated for bronchial asthma. His asthma was never found to be severe enough to receive a disability . . . It is noted that on his entry physical examination he checked the block indicating that he never had asthma. He also submitted a note dated 14 June 1978 to the recruiter indicating that he infrequently had mild symptoms of hay fever which was treated with non-prescriptive medication . . . On 4 December 1978 while at RM A School . . . [the applicant] makes his first complaint concerning asthma. On his first visit he states he would like a medical evaluation for discharge. Had the [applicant] had asthma which caused him to be unfit for retention he would most likely have received a fraudulent discharge.

5. The applicant alleged that he was unfairly denied a hardship discharge by Commandant, Coast Guard. PSC responded as follows:

[The applicant's] request was denied because Commandant . . . stated that his request did not meet the criteria for a hardship discharge . . . His family was not undergoing a hardship more severe than normal hardships encountered by dependents or families of other Coast Guard members. There was a means to alleviate the situation. The Coast Guard made every reasonable attempt to solve his family hardships. His mother's dependency and eligibility were established and BAQ payments were authorized . . . This was some financial relief but since it did not include a discharge he abandoned his family in Boston and deserted to England . . .

6. The applicant alleged that since his discharge from the Coast Guard, he has led a full and productive life with positive achievements. PSC responded as follows:

I applaud [the applicant] on his success since his discharge in 1981. That said the discharge he received in 1981 was a reflection of his active service with the Coast Guard at that time. His success after that does not change the fact that he deserted the Coast Guard twice from 1978 to 1981 and on the second desertion fled to England.

PSC stated that the applicant demonstrated that he owed little allegiance to the United States and had no intention of completing his obligation to the Coast Guard. He attempted to be discharged from the Coast Guard by a number of subterfuges and when those failed he deserted. Therefore PSC recommended that the applicant request should be denied.

APPLICANT'S REPOSENSE TO THE VIEWS OF THE COAST GUARD

On April 24, 2009, a copy of the Coast Guard's views was sent to the applicant for any response that he wanted to make. The applicant requested and was granted three separate 60-day extensions to respond to the advisory opinion. The BCMR did not receive a response to the advisory opinion from the applicant.

APPLICABLE REGULATIONS

Article 12-B-21 of the Personnel Manual then in effect stated that an enlisted member may request a discharge under other than honorable conditions for the good of the Service in lieu of action under the UCMJ if punishment for alleged misconduct could result in a punitive discharge. A request for a discharge under other than honorable conditions for the good of the Service may be submitted by the member at any time after court-martial charges have been preferred against him or her. This provision further states that a lawyer will provided to a member who desires to submit a request for a discharge under other than honorable conditions for the good of the Service.

Article 12-B-13(a)&(b) state that the Commandant may authorize or direct the discharge or transfer to the Coast Guard Reserve of enlisted personnel by reason of dependency or hardship. According to the regulation, each request is carefully and sympathetically considered and decided on its individual merits.

Article 12-B-13(c)(3) states that the Commandant may direct discharge or release from active duty when it is considered that an undue or genuine dependency or hardship is not of a temporary nature, and that the conditions have arisen or been aggravated to an excessive degree since entry into the Service and the member has made every reasonable effort to alleviate the hardship by means of application for basic allowance for quarters and voluntary contributions which have proven inadequate.

Article 12-B-13(c)(3)b. of the Personnel Manual offered the following as a example of a meritorious case with supporting evidence:

The member's family is undergoing hardship more severe than the normal hardships encountered by dependents or families of members of the Coast Guard; that this hardship is not of a temporary nature and the release of the member will result in the elimination of, or will materially alleviate, the condition, and that there are no means of alleviation readily available other than by release from active duty.

Article 12-B-13(c)(4) of the Personnel Manual states that undue hardship does not necessarily exist solely because of altered present or expected income or because the member is separated from the family or must suffer the inconvenience normally incident to a seagoing military service.

FINDINGS AND CONCLUSIONS

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

1. The Board has jurisdiction of this case pursuant to section 1552 of title 10 United States Code.

2. Under 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22, an application to the Board must be filed within three years after the applicant discovers, or reasonably should have discovered, the alleged error or injustice. The BCMR received the applicant's application on November 10, 2008, approximately 27 years after 1981 discharge and issuance of DD 214. Therefore, the application was not timely.

3. However, the Board may still consider the application on the merits, if it finds it is in the interest of justice to do so. In *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992), the court stated that in assessing whether the interest of justice supports a waiver of the statute of limitations, the Board "should analyze both the reasons for the delay and the potential merits of the claim based on a cursory review." The court further stated 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." *Id.* at 164, 165. See also *Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

4. The applicant argued that it is in the interest of justice to consider his application because he only recently obtained his Coast Guard military record with the help of a United States senator. While it may have been difficult for the applicant to obtain his Coast Guard record, it should not have taken 27 years for him to do so. Therefore, the Board is not persuaded to waive the statute of limitation on the basis that it was difficult for the applicant to obtain his military record.

5. Nor is the Board persuaded to waive the statute of limitations based on a cursory review of the merits. That review reveals that the applicant has failed to establish an error or injustice on the part of the Coast Guard with respect to his 1981 OTH discharge. The applicant chose an OTH discharge instead of facing a court-martial for desertion. He knowingly made this request with the assistance of counsel. The commandant approved the applicant's request for an OTH discharge on April 8, 1981. The applicant has failed to demonstrate that the Coast Guard committed any error with regard to processing his OTH discharge.

6. With respect to the applicant's contention that while in the Coast Guard he suffered from emotional stress and mental duress that was exacerbated by his family's hardship because of his mother's illness and financial situation, the Board notes that there was some family pressure on the applicant, but his psychological evaluations found that he was fit for duty. In addition, although the Commandant denied the applicant's request for a hardship discharge the Coast Guard attempted to assist the applicant with his situation by approving his mother as his dependent making him eligible for BAQ and by offering the applicant and his mother housing on Governor's Island. The applicant refused this offer because it did not include a discharge. The

Board finds that any stress the applicant suffered related to his family situation could have been alleviated if he had not refused the Coast Guard's offer of housing for him and his mother. The Board finds no error or injustice in the Coast Guard not discharging the applicant due to alleged psychological/emotional stress or mental duress.

7. In contrast to the applicant's argument that he was not able to adjust socially or psychologically to the Coast Guard, the Board finds that the applicant received a psychological evaluation for this purpose at the request of the Commandant. That evaluation revealed that the applicant was fit for full duty, but would continue to be a disciplinary problem unless he was let out of the Coast Guard. Accordingly, the applicant has offered insufficient evidence to show that he was unable to adjust to the Coast Guard. No error or injustice exists in this regard.

8. The applicant's contention that he should have been discharged due to asthma is without merit. The applicant was evaluated for this condition while on active duty and was not found unfit for duty as a result of it. The evidence that he currently suffers from asthma and that he suffered from asthma as a child does not mean that the condition caused him to be unfit for military duty. Article 2.C.2.a. of the Physical Disability Evaluations Systems (PDES) Manual states that the sole standard in making determinations of physical disability as a basis for retirement or separation shall be unfitness to perform the duties of one's office, grade, rank, rate, or rating. Article 2.A.50. of the PDES defines unfit for continued duty as the status of a member who is unable to perform the duties of office, grade, rank, or rating because of a physical disability. Article 2.C.2.f.i. makes it clear that a member may have physical impairments but such impairments may not necessarily render the member unfit for military duty. Moreover, even if the Coast Guard had erroneously concluded that the applicant was fit for duty, it would not have excused the applicant's desertion from the Coast Guard. The applicant has not established that the Coast Guard committed any error or injustice by not discharging him due to asthma.

9. The applicant's contention that he was unfairly denied a hardship discharge is his own opinion. The Personnel Manual gives the Commandant the authority to decide hardship discharge requests. In this case, the Commandant determined that the applicant's situation did not meet the requirements for hardship as it was not so different from circumstances faced by many other Coast Guard members. Again, as stated above, the Coast Guard offered the applicant assistance with his family hardship, which he refused. Being denied a hardship discharge does not excuse the applicant's desertion which led to his request for an OTH discharge instead of trial by court-martial. The legitimacy of the applicant's hardship request is diminished by the fact that when he deserted the Coast Guard in 1980, he did not go to Massachusetts to assist his mother, but instead he went to England. The applicant has not established any error or injustice with regard to the denial of his request for a hardship discharge.

10. The Board has considered all of the applicant's contentions. Those not discussed within the findings are conclusions are not dispositive of the issues raised in this case.

11. Accordingly, the applicant has failed to prove an error or injustice and his request should be denied because it is untimely and because it lacks merit.

ORDER

The application of former XXXXXXXXXXXXXXXX, USCG, for correction of his military record is denied.

Evan R. Franke

James E. McLeod

Adrian Sevier