

**DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for Correction of
Coast Guard Record of:

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

BCMR Docket
No. 2001-084

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. It was docketed on May 4, 2001, upon the Board's receipt of the applicant's complete application for correction of his military record.

This final decision, dated March 21, 2002, is signed by the three duly appointed members who were designated to serve as the Board in this case.

Applicant's Request for Relief

The applicant, an [REDACTED] first class ([REDACTED] pay grade E-6), asked the Board to advance him retroactively to [REDACTED] E-6), with back pay and allowances. The applicant alleged that he should have been advanced to [REDACTED]¹ on November 1, 1996 rather than May 1, 2000.

The applicant alleged that his final multiple² score for the 1995 servicewide examination (SWE) for advancement to E-6 was not calculated correctly. He claimed that the Coast Guard failed to include in his final SWE multiple the one point he earned as a result of receiving a letter of commendation dated April 14, 1993.

The applicant claimed that his unit at the time received the letter of commendation on June 1, 1993 and placed a copy in his unit personnel data record (PDR), but did not present the award to him or forward it to Commandant for placement in his headquarters record as required by the Medals and Awards Manual.

Views of the Coast Guard

On September 25, 2001, the Board received an advisory opinion from the Chief Counsel of the Coast Guard, recommending that the Board grant relief in accordance with a memorandum

¹ The [REDACTED] rating was changed to the [REDACTED] rating in 1999.

² The final multiple is an overall score on an SWE, which includes the examination score itself and points for performance, time in service, time in pay grade in present rating, medals and awards, and sea duty. The final multiple determines the order of precedence on each advancement eligibility list. Articles 5.C.3. & 5.C.31.a. of the Personnel Manual.

from the Commander, Coast Guard Personnel Command (CGPC), which was attached as an enclosure to the advisory opinion.

CGPC stated that the applicant unknowingly received the letter of commendation and through no fault of his own was never presented with it, nor was it ever forwarded to the proper headquarters' office to be entered into the Coast Guard's personnel management system. According to the Chief Counsel, because of this oversight, one point was not included in the applicant's final multiple score during the 1995 SWE competition. The failure to include the point delayed the applicant's eventual advancement to E-6 for approximately three and one half years. In this regard, CGPC stated that the Human Resources Services and Information Center (HRSIC) recently recalculated the applicant's 1995 SWE multiple, with the following results:

In the November 1995 SWE cycle, one additional point for [the applicant] would have placed him as No. [REDACTED] on the [REDACTED] eligibility list from that competition. No. [REDACTED] from that list was advanced on October 1, 1996; No. 25 was advanced November 1, 1996. We deem that [the applicant] would have advanced to [REDACTED] (E-6) on November 1, 1996 had he been properly credited with the [point earned for the letter of commendation] at the time and presuming that [the applicant] maintained eligibility . . . through the effective date of November 1, 1996.

July 17, 2001: CGPC . . . personnel verified through a review of applicant's record and phone conversation with applicant's servicing [personnel reporting unit] that applicant was fully eligible for advancement to [REDACTED] on November 1, 1996.

Accordingly, CGPC recommended that the applicant be retroactively advanced to [REDACTED] [E-6] as of November 1, 1996 and receive all back pay and allowances that are due to him. CGPC further recommended that the applicant be afforded the opportunity to participate in the May 2001 SWE (through a substitute examination) assuming he was fully eligible to compete in the [REDACTED] (E-7) SWE as of February 1, 2001.

Applicant's Reply to the Views of the Coast Guard

On October 16, 2001, the Board received the applicant's reply to the views of the Coast Guard. He agreed with the advisory opinion. He further stated that he is fully qualified to participate in the May 2001 and wishes to do so through a substitute examination.

FINDINGS AND CONCLUSIONS

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

1. The BCMR has jurisdiction of this case under section 1552 of title 10, United States Code. The application was timely.
2. The applicant has shown by a preponderance of the evidence that his final multiple for the 1995 SWE for advancement to [REDACTED] was in error, because it did not include the one point the applicant was entitled to receive as a result of having been awarded a letter of commendation dated April 14, 1993. The applicant only recently became aware of the letter of commendation.

3. The Chief Counsel of the Coast Guard has recommended relief stating that if the letter of commendation had been included in the applicant's 1995 final SWE multiple, he would have been advanced on November 1, 1996.

4. The Board agrees with the Chief Counsel that the applicant has suffered an error and/or injustice and is entitled to relief. Additionally, the Board finds that the applicant should be allowed to participate in the May 2001 [REDACTED] (E-7) by substitute examination, if he is eligible to do so.

5. Accordingly, the applicant should be granted relief.

[SIGNATURES AND ORDER ON NEXT PAGE]

ORDER

The application of xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is granted. The date of his advancement to [REDACTED] shall be corrected to November 1, 1996. He is entitled to back pay and allowances. In addition, the applicant shall be given the opportunity to participate in the May 2001 [REDACTED] E-7) SWE by substitute examination, if fully eligible to do so.

