

copy of Form CG-3312B. The form showed he had advanced to fireman and that "76JAN30 " was the "effective date." The form did not, however, state what "effective date" meant. According to the form, the applicant's unit departed from CG [REDACTED], for USCG [REDACTED], but the form did not state that he departed on January 30, 1976 or any other specified date.

The applicant introduced no proof of his own to the effect that the Coast Guard had an obligation to notify him of the departure dates, nor did the applicant introduce any departure records that he had himself made in a diary or letter.

The applicant did not allege that he lost any pay or allowances as a result of the alleged error in departure dates

On July 31, 1995, he retired from active duty with the Coast Guard.

Views of the Coast Guard

On March 27, 1996, the BCMR received an advisory opinion from the Coast Guard. The Service stated that no application to the Board should be considered, in accordance with 33 CFR § 52.13 (with respect to exhaustion of administrative remedies), until the applicant exhausts all "effective administrative remedies."

The Coast Guard stated that the alleged errors in this case should first be brought to the attention of applicant's "servicing Personnel Reporting Unit (PERS RU)." If the applicant is not satisfied with the results, he could then apply to the BCMR.

Applicant's Supplemental Response

A copy of the advisory opinion was sent to the applicant with an invitation to submit a response to the views of the Coast Guard, including any additional proof.

The Board did not receive any response from the applicant. There is no indication that the applicant pursued the administrative remedy that the Coast Guard had identified for him. (request for relief with his PERSRU).

Other Applicable Regulations

Section 52.12(a) of title 33, Code of Federal Regulations, authorizes the Board to consider whether an error has been made in the applicant's Coast Guard military record.

Section 52.21 of such title 33 provides that "[n]o application shall be processed until it is complete." According to the regulation, an application is not complete until it

includes "a specific allegation of error or injustice, accompanied by substantial proof in support of such allegation."

FINDINGS AND CONCLUSIONS

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

1. The BCMR has jurisdiction of the case pursuant to section 1552 of title 10, United States Code.

2. The applicant alleged that the Coast Guard committed an error in calculating the date he left CG [REDACTED], and the date he started a tour at CG [REDACTED]. Aside from these allegations of error, and two Coast Guard forms that said "effective date" but did not define what that meant, the applicant did not offer any evidence or proof of error.

3. The Coast Guard advised the applicant that he should submit his claim to his PERSRU, and that the Board has no authority over the claim until the applicant's administrative remedies have been exhausted.

4. The applicant could not pursue an administrative remedy with his PERSRU after July 31, 1995, the date on which he retired. After that date, he could have pursued an administrative remedy with the Pay and Personnel Center of the Coast Guard.

5. The applicant failed to exhaust his effective administrative remedies, and he did not submit enough proof to make his application "complete."

6. The application, accordingly, should be denied.

ORDER

The application of _____) for
correction of his military record is denied.

