


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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-137


ET3 (former)

FINAL DECISION

This proceeding is conducted according to the provisions of 10 U.S.C. § 1552. The Chair docketed the case after receiving the completed application on August 2, 2024, and assigned it to an attorney to prepare the decision for the Board 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 submitted an application requesting an upgrade in rank to be reflected on his DD214. He has not alleged error but feels he was a good sailor and deserved to have the rank of E5 reflected on his DD214. The applicant, by choice, separated from the service prior to the advancement list being announced. He claims his name was on the advancement list for E5 shortly after he separated and this has always been a sore spot for the applicant. He requests his rank be upgraded to E5 and a new DD214 be issued.

SUMMARY OF THE RECORD

In 1974, the applicant was separated from the Coast Guard at the pay grade of E4. The applicant appears to have sat for the E5 promotion exam, however there is no evidence his promotion was authorized by headquarters as required to advance in rank.

VIEWS OF THE COAST GUARD

On February 12, 2025, a Judge Advocate (JA) for 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 Coast Guard Personnel Service Center (PSC).

The JA concurred with the PSC evaluation of the applicant's request lacking necessary information to support any request for change to his DD214. PSC acknowledged the applicant failed to assert an error or injustice for the Board to review. The applicant's military record does

not reflect an advancement to E5, which would be needed evidence to support the change to his DD214. PSC and the JA recommend denial of the applicant's request for relief.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On February 25, 2025, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty (30) days. The applicant has not responded by the date of this final decision.

APPLICABLE LAW AND POLICY

The Board may correct errors or remove injustices in a service member's records pursuant to 10 U.S.C. § 1552(a).

(1) Error can be defined as either legal and/or factual.

(2) Injustice, when not also error, is treatment by the military authorities that "shocks the sense of justice."¹ In addition, the Board has the authority to decide whether an injustice exists in an applicant's record on a case-by-case basis. The application must file within three years after discovery or reasonably should have discovered the alleged error or injustice for a correction or relief.²

33 C.F.R. § 52.24 (a)

Burden of Proof: "It is the responsibility of the Applicant to procure and submit with his or her application such evidence, including official records, as the Applicant desires to present in support of his or her case."

33 C.F.R. § 52.24 (b)

Presumption of Regularity: "The Board begins its consideration of each case presuming administrative regularity on the part of the Coast Guard and other Government officials. The Applicant has the burden of proving the existence of an error or injustice by the preponderance of the evidence."

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 submission, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552(a) because the applicant is requesting correction of an alleged error or injustice in his Coast Guard military record. The Board finds that the applicant has exhausted his administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure

¹ *Sawyer v. United States*, 18 Cl. Ct. 860, 868 (1989) citing *Reale v. United States*, 208 Ct. Cl. 1010, 1011, cert. denied, 429 U.S. 854, 50 L. Ed. 2d 129, 97 S. Ct. 148 (1976).

² 33 C.F.R. § 52.22

provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued.

2. The applicant brings this request beyond the required three (3) years of its occurrence making the application untimely for review. However, the Board may review a case in the pursuit of justice. Based on a cursory review of the record, there is no instance of injustice given the facts presented that warrant waiver of the three year requirement.

3. The applicant is requesting changes to his DD214 to a rank up to E5 because he believes he would have made rank had he stayed in a few more months. The applicant requested to discharge to attend college, and his request was granted by command. He received an honorable discharge and RE1 code with the opportunity to re-enlist. The applicant chose to forgo his opportunity to promote by requesting a discharge prior to being selected for promotion. His discharge and assigned rank are fair and accurate.

4. The applicant in a short letter to the Board asserts his difficulties with the VA and his desire to have the promotion to E5 reflected on his DD214. However, given the applicant chose to separate and the lack of promotion to E5 while serving makes his request for upgrade of his DD214 not appropriate. The applicant served honorably achieving the rank of E4 as currently reflected on his DD214.

5. The Board, in full view of all facts, assertions, and applicable laws, views this case as lacking error or injustice. No change to his DD214 should occur.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former ET3 [REDACTED] USCG, for correction of his military record is denied.

May 22, 2025

