


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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2024-152**

  
(former) SN/E-3

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**FINAL DECISION**

This proceeding was conducted by the Board for Correction of Military Records of the Coast Guard (hereinafter “Board”) 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 August 24, 2024, and assigned the case to a staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).<sup>1</sup>

This final decision, dated May 8, 2025, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICATION AND ALLEGATIONS**

The applicant, a former Seaman (SN/E-3), separated from the Coast Guard on May 11, 1970. He has requested that the Board correct his DD Form 214N (Armed Forces of the United States Report of Transfer or Discharge) (hereinafter “DD 214”) to reflect his rank as Quartermaster, Third Class (QM3), and his pay grade as E-4.<sup>2</sup>

On his DD Form 149 (Application for Correction of Military Record) (hereinafter “DD 149”), the applicant stated the following: “I made QM3/E4 and I have documentation that I advanced to QM3/E-4.” With this submission, the applicant enclosed a Coast Guard Correspondence Course Answer Sheet dated August 13, 1968, which indicated that the applicant had satisfactorily completed all lessons for the QM3 course.

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<sup>1</sup> The Board received the applicant’s initial submission on August 30, 2022. The application was not considered complete and reviewable, however, until the applicant’s Coast Guard personnel records were received on August 24, 2024.

<sup>2</sup> The Quartermaster rating is no longer used by the Coast Guard, and the relevant duties have been absorbed into the Boatswain’s Mate rating.

## COAST GUARD'S VIEWS

In a memorandum dated March 6, 2025, a Coast Guard Judge Advocate (JA) recommended the Board deny relief in this case. The JA argued that in addition to being untimely based on the three-year statute of limitations, the applicant's request was also barred by the equitable doctrine of "laches," since the Coast Guard's ability to produce evidence to establish that the disputed records were correct was "severely prejudiced by the many decades that have passed since the applicant served." The JA also adopted the analysis provided by the Coast Guard Personnel Service Center (PSC) in an enclosed memorandum.

The PSC acknowledged the documents submitted by the applicant indicating a passing grade for the QM3 correspondence course. The PSC stated, however, that completion of this course was not recorded on the applicant's DD 214, and no copy of the document could be found in the applicant's service records. The PSC observed that the applicant's "enlisted marks" showed he was a Seaman Apprentice (SA/E-2) from July 1966 to May 1967, was promoted to SN (E-3) in June 1967, and remained in that rank until being discharged in May 1970. The PSC enclosed a Personnel Action Sheet signed by the applicant's Commanding Officer (CO) on September 1, 1968, in which the CO recommended the applicant for advancement and nominated him to participate in the Servicewide examination (hereinafter "SWE") for QM3. The PSC argued, however, that this form did not constitute an actual advancement authorization and was solely a recommendation to compete for advancement. The PSC concluded by stating there was no evidence in the applicant's records that Coast Guard Headquarters had issued an advancement authorization bearing the applicant's name prior to his separation. The PSC also enclosed additional records from the applicant's personnel file that will be addressed by the Board in the Findings and Conclusions section below.

## APPLICANT'S RESPONSE

The Board provided the applicant with the Coast Guard's views on March 13, 2025, and invited him to submit a response within thirty (30) days. As of the date of this decision, the applicant has not submitted a response.

## APPLICABLE LAW AND POLICY

### *Board Proceedings*

The Board may correct errors and/or remove injustices in an applicant's military records pursuant to 10 U.S.C. § 1552(a). "Error" means a mistake of a significant fact or law and includes a violation by the Coast Guard of its own regulations. *See Reale v. United States*, 208 Ct. Cl. 1010, 1011 (1976) ("Error" means legal or factual error.); *Ft. Stewart Schools v. Federal Labor Relations Authority*, 495 U.S. 641, 654 (1990) ("It is a familiar

rule of administrative law that an agency must abide by its own regulations.”). “Injustice,” when not also error, is treatment by the military authorities that “shocks the sense of justice.” *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). The Board has authority to determine whether an injustice exists on a “case-by-case basis.” Docket No. 2002-040 (DOT BCMR, Decision of the Deputy General Counsel, Dec. 4, 2002).

### *Coast Guard Policy*

The Coast Guard Personnel Manual, CG-207 (1967) (hereinafter “PERSMAN”) was applicable during the relevant portion of the applicant’s service and at the time of his separation.

PERSMAN’s Chapter Five addressed promotions and advancements, among other topics. In relevant part, it provided that advancement could be accomplished through a Servicewide system of competition for all petty officer grades [E-4 through E-6]. PERSMAN § 5.C.1.(d). Advancement was to be based on demonstrated proficiency in assigned duties, performance on the job, the evaluation and recommendation of the commanding officer, and performance on written examinations. *Id.* Examinations developed at the Coast Guard Institute were to be administered semiannually, and examination grades were to be combined with other factors to obtain a precedence list for advancement of eligible personnel. *Id.* Each member who took the SWE to advance to a particular grade received a “final multiple” score, which was composed of the following: examination score; performance factor (semiannual marks); time in service; time in pay grade; and medals/awards. *Id.* § 5.C.1.(e)(1). Based upon the number of anticipated vacancies in each rating, a cutoff final multiple score was established, and promotion was assured for each person above the cutoff, while those below the cutoff point would be required to participate in subsequent Servicewide competitions. *Id.* § 5.C.1.(d).

In addition, according to PERSMAN § 5.C.3., to be eligible for advancement, the candidate must have:

- (1) completed required practical factors and military requirements;
- (2) completed required correspondence courses;
- (3) successfully completed a service course, if required;
- (4) met citizenship or security clearance requirements,
- (5) been in a proper path of advancement;
- (6) fulfilled special requirements for certain ratings;
- (7) not been involved in circumstances which rendered him/her ineligible for advancement;
- (8) fulfilled service requirements, time in service, time in pay grade in present rating, and sea duty;

- (9) fulfilled additional eligibility requirements for personnel competing in E-8/E-9 examinations;
- (10) have been assigned high enough marks in Proficiency and Leadership on his/her last evaluation; and
- (11) been recommended by his/her commanding officer.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on the applicant's military record, his submission, the Coast Guard's submission, and applicable law and policy:

1. The Board has jurisdiction under 10 U.S.C. § 1552(a), as the applicant is seeking correction of an alleged error or injustice in his military records. The applicant has exhausted all other administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued.

2. The applicant did not request a hearing before the Board. Accordingly, his application will be considered based on the available records and evidence.

3. "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 a preponderance of the evidence." 33 C.F.R. § 52.24(b). Absent evidence to the contrary, the Board presumes that Coast Guard officials have carried out their duties "correctly, lawfully, and in good faith." *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

4. The application is untimely, as it was not filed within three years of the applicant's discovery of the alleged error or injustice, as required by 10 U.S.C. § 1552(b). The applicant separated from the Coast Guard on May 11, 1970. His initial submission to the Board was received more than 52 years later, on August 30, 2022.

5. The Board may excuse the untimeliness of an application if it is in the interests of justice to do so. In *Allen v. Card*, 799 F. Supp. 158 (D.D.C. 1992), the court stated that in determining whether the interests of justice support a waiver of the limitations period, the Board should "analyze both the reasons for the delay and the potential merits of the claim based on a cursory review." 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." With these considerations in mind, the Board makes the following findings:

- a. The applicant has provided no explanation for the more than 52-year delay between his discharge and his application to this Board. The Board's own review does not suggest any compelling reason for the delay.
- b. Upon cursory review, the application lacks potential merit.

The applicant has contended that he was promoted to QM3 (E-4) prior to his separation. In support of this contention, he has submitted a document indicating he passed a QM3 correspondence course in approximately August 1968. The Coast Guard has also provided a Personnel Action Sheet dated September 1, 1968, in which the applicant's CO recommended him for advancement and nominated him to participate in the SWE for QM3.

The applicant's CO's recommendation, and his clearance to take the SWE, however, were not sufficient on their own to result in advancement to QM3. There is no evidence showing the applicant proceeded to take the SWE. Even if he had, Coast Guard policy provided that the applicant's examination score would have been combined with other factors to form a final multiple score. Only those members whose final multiple score was above the cutoff established for QM3 vacancies would have been advanced. There is no evidence showing that the applicant was among those above the cutoff, if he did take the examination. Advancement also required completion of the 11 requirements listed in the Coast Guard Policy section above pursuant to PERSMAN § 5.C.3.

Upon review of the record, the Board also observes that the applicant was referred to as a SN and/or E-3 in a number of documents dated after his completion of the QM3 correspondence course. These include:

1. Annual Marks dated January 31, 1969.
2. Administrative Remarks dated November 11, 1969, documenting the applicant's intention not to reenlist.
3. Annual Marks dated January 31, 1970.
4. Separation Marks dated May 11, 1970.
5. A memorandum dated May 11, 1970, informing the applicant that his active duty was terminated by reason of enlistment expiration, and that he was transferred to the Coast Guard Reserve.
6. A CG-3309 Form (Record of Discharge, Release from Active Duty, or Death) documenting the expiration of the applicant's enlistment period on May 11, 1970.

7. A memorandum dated May 25, 1970, informing the applicant that he was assigned to the Ready Reserve Active Status Pool.
8. A memorandum dated June 24, 1970, which transferred the applicant (now a Reservist) from the Ninth Coast Guard District to the Second Coast Guard District.

The applicant's DD 214 is entitled to a presumption of correctness. Numerous other documents in the applicant's personnel files are consistent with the DD 214 and indicate the highest grade to which he advanced was E-3. It is the applicant's burden to overcome the presumption, and to this end, he has submitted documents indicating he completed a QM3 correspondence course and was permitted to take the SWE. While these two steps were prerequisites to advancement to QM3, numerous other steps were required, and there is no evidence before the Board suggesting that they occurred.

After cursory review, for the reasons discussed, the applicant's arguments and supporting evidence appear to be insufficient to overcome the presumption of administrative regularity to which the Coast Guard's actions are entitled.

6. No compelling reason for the applicant's 52-year delay in filing his application has been offered. In addition, a cursory review indicates the application is unlikely to succeed on its merits. For these reasons, the Board finds that the interests of justice do not support a waiver of the time bar specified in 10 U.S.C. § 1552(b). Accordingly, the application will be denied as untimely.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

**ORDER**

The application of former SN/E-3 [REDACTED] is denied.

May 8, 2025

