

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-223


(retired) ITC

FINAL DECISION

This proceeding was conducted by the Board for Correction of Military Records of the Coast Guard (hereinafter “Board” or “BCMR”) 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 September 19, 2024, and assigned the case to a staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated November 20, 2025, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

INTRODUCTION

The applicant, a former Chief Information Systems Technician (ITC/E-7), retired from the Coast Guard on June 30, 2023, after 26 years, 10 months, and 3 days of honorable active service. He has asked the Board to direct the Coast Guard to credit him with approximately two additional years of active duty service for his attendance at the United States Merchant Marine Academy (USMMA) between 1994 and 1996.

SUMMARY OF THE RECORD

The applicant entered the USMMA on September 14, 1994, with a projected graduation date of June 1998. As a condition of his admission and attendance, the applicant agreed to meet various requirements, including the following: (1) following graduation, he would serve for five years as (a) a merchant marine officer, (b) an employee in a United States maritime-related industry, or (c) a commissioned officer on active duty in the armed forces or National Oceanic Atmospheric Administration; and (2) he would accept an appointment as a midshipman in the United States Naval Reserve (USNR) and remain in that status while attending the USMMA.

On July 5, 1996, the applicant separated from the USMMA without completing his course of study, “due to a change in career plans.” Records indicate the applicant was a midshipman in the USNR at the time of his disenrollment.

Approximately two months later, on August 27, 1996, the applicant enlisted in the regular component of the Coast Guard as a Seaman Apprentice (SA/E-2) for an initial four-year active duty period. On his enlistment forms, he indicated he had served for two years in the USNR while attending the USMMA.

The applicant had an exceptional career with the Coast Guard and provided outstanding service. He was promoted to ITC/E-7 on September 1, 2011, and retired at that rank on June 30, 2023. His DD Form 214 (Certificate of Discharge or Release from Active Duty) (hereinafter “DD 214”) – which he signed on April 25, 2023 – reflects 26 years, 10 months, and 3 days of active service (starting on August 27, 1996).

APPLICATION

In his submission to the Board, the applicant requested that “up to a maximum of 24 months be added towards [his] retirement time” to account for his attendance at the USMMA. In support of his request, the applicant submitted a 1980 U.S. Comptroller General opinion: *Retirement Credit for Academy Service As A Cadet or Midshipman*, B-195448 (Apr. 3, 1980). As discussed further in the Findings and Conclusions section below, the opinion concluded that while the law – specifically 10 U.S.C. § 971 – prohibited crediting service at the U.S. Military Academy (USMA) or other service academies for purposes of calculating an *officer*’s length of service, there was no such bar for enlisted members.

The applicant argued that the Comptroller opinion supported counting his time at the USMMA toward his total length of active service for retired pay purposes.

COAST GUARD’S VIEWS

In an August 2025 memorandum, a Coast Guard Judge Advocate (JA) recommended that the Board deny the relief requested by the applicant in this case. The JA initially noted that the USMMA is part of the Department of Transportation (DOT) and is a civilian institution. Thus, the JA argued, 10 U.S.C. § 971 did not apply to the USMMA. The JA further noted that § 971, as interpreted in the Comptroller General opinion relied on by the applicant, permitted crediting academy service for a member appointed to the academy from an active enlistment, who then reverted back to that enlistment period after failing to complete the academy course. In the applicant’s case, the JA noted, there was no evidence indicating the applicant had an active enlistment in the armed forces prior to his appointment to the USMMA.

APPLICANT'S RESPONSE

The Board sent the Coast Guard's views to the applicant on September 10, 2025, and invited him to submit a response within 30 days. No response from the applicant was received.

APPLICABLE LAW AND POLICY

Computation of the retired pay of a member of the armed forces is based on years of active service. 10 U.S.C. § 1405(a)(1). Active service means service on active duty, and active duty means full-time duty in the active military service of the United States. 10 U.S.C. § 101(d)(1), (3).

Service as a cadet or midshipman at the USMA, U.S. Air Force Academy (USAFA), U. S. Naval Academy (USNA), or U.S. Coast Guard Academy (USCGA) may not be credited when computing an officer's length of service for any purpose. 10 U.S.C. § 971(b).

The USMMA is established under DOT and is administered by DOT's Maritime Administration (MARAD). 46 U.S.C. § 51301 et seq. USMMA cadets are required to accept an appointment as a midshipman in the USNR as a condition of appointment to the USMMA. 46 U.S. Code § 51311(b)(1). USMMA cadets must also agree to serve for five years after their graduation as: (a) a merchant marine officer; (b) an employee in a United States maritime-related industry; (c) a commissioned officer on active duty in the armed forces or maritime-related federal agency; or (d) in a combination of such activities. 46 U.S.C. § 51306(a)(5).

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on the applicant's military record, his submissions, 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 a correction of an alleged error and/or injustice in his military records.
2. The applicant has exhausted all available 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.
3. The applicant declined a hearing before the Board and requested that his application be considered based on the records and evidence submitted.

4. The Board may “correct any military record . . . when [it] considers it necessary to correct an error or remove an injustice.” 10 U.S.C. § 1552(a)(1).

5. “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).

6. The application is timely, as it was submitted within three years of the applicant’s discovery of the alleged error or injustice, i.e., the total service time calculated at the time of his June 2023 retirement. *See* 10 U.S.C. § 1552(b); 33 C.F.R. § 52.22.

7. The applicant requests credit toward his regular Coast Guard retirement for his attendance at the USMMA between 1994 and 1996. For the reasons below, granting the applicant’s request is not warranted. Unlike the USMA, USNA, USAFA – established under Title 10 – and the USCGA – established under Title 14 – the USMMA is not part of a branch of the armed forces. *See Whalen v. Off. of Pers. Mgmt.*, 959 F.2d 924, 925 (Fed. Cir. 1992) (“The USMMA is a civilian institution and is not subject to the provisions of 10 U.S.C. § 971.”).

8. USMA cadets, for example, are considered part of the regular component of the Army. *See* 10 U.S.C. § 7075(b)(2). It was USMA attendance, and by implication attendance at the other service academies specifically named in 10 U.S.C. § 971 (USNA, USAFA, and USCGA), which was the subject of the Comptroller General opinion cited by the applicant. That opinion, therefore, does not support the applicant’s request. In addition, as explained by the Coast Guard, the opinion contemplated service credit for an enlisted member who was appointed to an academy from an enlisted status, and then returned to enlisted status after failing to gain a commission as an officer. In the applicant’s case, he was not appointed to the USMMA while in an enlisted status with any branch of the armed forces, nor does he contend that he served in an enlisted status at any time prior to joining the Coast Guard.

9. Moreover, while the applicant served in the USNR while he was a cadet at the USMMA, this did not constitute active duty service such that it may be credited for purposes of the applicant’s regular retirement. *See* 10 U.S.C. § 101(d)(3) (defining active duty as “full-time duty in the active military service of the United States.”).¹

¹ In his application, the applicant requested “up to a maximum of 24 months be added towards retirement time.” As such, the Board has interpreted the applicant’s contention to be that his USMMA attendance should be fully counted toward an active duty retirement. The applicant has not argued that the reserve points he earned as a midshipman in the USNR while a cadet at the USMMA were omitted or inaccurately considered in determining his regular retirement pay. To the extent this is the applicant’s position, he is invited to submit an application for reconsideration explaining the basis for any requested relief, supported by relevant evidence.

10. The applicant's personnel file reflects an outstanding career in the Coast Guard, and the Board sincerely thanks the applicant for his long service. Based on the record before it, however, the applicant has not established the occurrence of an error or injustice with respect to the calculation of his total active service time for retirement purposes. Accordingly, the claim must be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of retired ITC [REDACTED] is denied.

November 20, 2025

