


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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2025-044


BM3/E4 (former)

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 February 5, 2025, 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 December 4, 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, a former Boatswain’s Mate, Third Class (BM3/E-4), was discharged from the Coast Guard on September 3, 2018, with an Honorable discharge, with a narrative reason for separation listed as “Unacceptable Conduct.” The basis for his separation was failure to attain coxswain qualification in accordance with the timeline directed by his chain of command. He does not dispute that he failed to qualify, but alleges that the requirement to do so was unfairly placed on him while it was not a Coast Guard requirement and not required of other similarly situated members of his command. He claims that his Narrative Reason for Separation and Reentry (RE) Code are improperly reflected on his DD 214 and amount to an injustice that continues to affect his employment opportunities. He claims that he had no misconduct throughout his Coast Guard career, and that “unacceptable conduct” is read as synonymous with “misconduct” by potential employers. He also claims that he was subjected to delayed opportunities to qualify and unjust disciplinary actions as retaliation for requesting a change in rating (CIR).

The applicant has requested that the Board correct his records by changing his Narrative Reason for Separation to “Convenience of the Government,” his reenlistment code from RE-4 (ineligible) to RE-1 (eligible). He asks that “all negative evaluations related to coxswain qualifications, specifically Page 7 documenting insubordination” be

removed from his service record. He also claims that a “positive Page 7 entry document [his] qualifications at the Maritime Force Protection Unit” is missing from his record, and presumably asks the Board to replace it.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on March 4, 2013. He was assigned to Marine Force Protection Unit (MPFU) Bangor in March 2016.

The applicant was placed in a training status upon his arrival and directed to complete his coxswain qualification on November 21, 2016. Due to the applicant’s failure to achieve qualification, this deadline was extended to May 31, 2017, and subsequently to August 14, 2017.

On September 7, 2017, the applicant was placed on performance probation by MFPU leadership for his failure to complete coxswain qualification. He was issued two CG-3307s at that time. The first documented his placement on performance probation “which will expire on February 2, 2017 [sic].” It stated that the applicant’s “performance must improve over the next 6 months or you will be considered for discharge.” The second CG-3307 purported to counsel him for his “lack of integrity” because he had represented his progress in qualification to be at about 30% when he had, in actuality, completed only 1% of his “sign-offs.” It further stated that the applicant’s “insubordination and integrity [sic] are punishable by the UCMJ.”

On March 12, 2018, the applicant requested formally a change in rating to Aviation Survival Technician (AST). He claimed that being a boatswain’s mate (BM) was “not the path [he wanted] to follow for the rest of [his] career.” This request was not approved.

On April 19, 2018, the applicant was again issued a CG-3307 documenting that he had failed to satisfy the conditions of his performance probation and that as a result, he was being processed for separation from the Coast Guard “by reason of Unsuitability – Inaptitude.”

On May 7, 2018, the applicant was notified of the MPFU commander’s intent to discharge him on the basis of Inaptitude. Applicant submitted a written response to this letter, in which he claimed he was subjected to unfair treatment compared to other BM3s in the command who were not required to qualify on the same timeline. He describes how hard he was worked to qualify. He clarified that his CIR request could not be submitted earlier because he had to completed a two-year service obligation before doing so that expired in March 2018. He reiterates that request, and asserts that he has had a good career with no disciplinary action or misconduct and could be an asset to the Coast Guard in a different rate. He included character reference letters in support of his statement.

On September 3, 2018, the applicant was discharged from the Coast Guard on the basis of Unsuitability – Inaptitude. He was directed to receive an Honorable Discharge, a Narrative Reason for Separation of “Unacceptable Conduct,” a Separation Program Designator (SPD) Code of “JNC,” and an “RE-4” reentry code. His DD 214 reflects these entries.

VIEWS OF THE COAST GUARD

The Coast Guard provided its views in an advisory opinion (AO) prepared by a Coast Guard Judge Advocate (JA) dated July 16, 2025, incorporating a memorandum from the Personnel Service Center (PSC) dated May 22, 2025. Both recommended denial of relief.

The Coast Guard argued that the application was untimely but asserted that the Board had jurisdiction to consider the request. Neither memorandum discussed the applicant’s pending request before the DRB, other than to acknowledge that the applicant’s previous application to the Board in 2022 was administratively closed on that basis. The AO neither acknowledges that a DRB application is currently pending, or that the DRB had reached a final decision in the applicant’s case.

The AO argued that the applicant’s discharge for unsuitability was properly reflected by the narrative reason for separation, SPD code, and RE code reflected on his DD 214. They further assert that his discharge for unsuitability – inaptitude was proper under the circumstances.

The AO further argues that the USCG Boat Crew Manual “not only *does not absolve* [BM3s] from qualifying as coxswains, it states that in order to advance to E-5, a BM *must* qualify as a coxswain. As a member is not allowed to remain an E-4 indefinitely, it follows then that an E-4 BM *must* qualify for coxswain, as they are eventually obligated to advance or face separation” (their emphasis). The AO further asserts that the requirement for E-4 BMs to qualify as coxswain’s are “written into policy,” but it does not provide a citation for that assertion.

The AO concludes by stating that the applicant’s claim that he did not have to qualify as a coxswain was “revisionist at best.” It further asserts that the applicant cannot claim retaliation of unjust treatment related to his change in rating request because he was already on performance probation when he requested a change in rating.

APPLICANT’S RESPONSE

The applicant submitted a response to the Coast Guard’s views on August 24, 2025, through an email that contained two attachments. He argues that the use of the term “lack

of integrity” in his CG-3307 was being read as misconduct. He disputes the Coast Guard’s description of his request for CIR as being “after the fact” because he was ineligible due to an existing service obligation to do so earlier; he contends that his request was made at the earliest possible moment. He argues that unit requirements for certain BM3s to be coxswain certified were applied unfairly and were subsequently “dropped.”

The first attachment was a more in-depth response to the advisory opinion. He again asserts the impacts the codes on his DD 214 are having on his employment opportunities, and generally reiterates the arguments he made in his application. The focus of this document was primarily on rebutting the “lack of integrity” incident described in his CG-3307 and documenting his efforts to qualify as a coxswain while being held to substantially different standards than his peers and subjected to retaliation. He finishes by describing his career as honorable with positive performance evaluations and no prior disciplinary incidents.

The second attachment was a duplicate of a character statement provided in the applicant’s original application.

APPLICABLE LAW AND POLICY

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). “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).

The Separation Program Designator (SPD) Handbook, January 13, 1994, establishes narrative reasons for separation, SPD codes, and Reentry (RE) codes for DD 214s issued by the Coast Guard. It predates the issuance of the current Commandant Instruction for Military Separations and therefore references chapters in the old Coast Guard Personnel Manual. Each basis for separation in the applicable Military Separations Instruction corresponds to a narrative reason for separation, SPD codes, and RE code in the SPD Handbook.

Commandant Instruction (COMDTINST) M1000.4 (August 2018) was the applicable discharge issuance at the time of the applicant’s separation. Chapter 1.B.15.b

provides that a member may be discharged for “unsuitability” on the basis of “inaptitude,” defined as members who are “unfit due to lack of general adaptability, want or readiness of skill, clumsiness, or inability to learn.”

The SPD Manual indicates that applicants separated under Chapter 12-B-16 of the previous Personnel Manual would be issued DD 214s reflecting “Unacceptable Conduct” as the narrative reason for separation, with a RE-4 reentry code. Chapter 12-B-16 contained the Unsuitability provisions in the old Personnel Manual, which included “inaptitude” as a basis for separation with an identical definition to the current COMDTINST.

33 C.F.R. § 52.13 establishes the jurisdiction of this Board. It states:

- (a) The Board has jurisdiction to review and determine all matters properly brought before it, consistent with existing law and such directives as may be issued by the Secretary.
- (b) No application shall be considered by the Board until the applicant has exhausted all effective administrative remedies afforded under existing law or regulations, and such legal remedies as the Board may determine are practical, appropriate, and available to the applicant.

10 U.S.C. § 1553 establishes the authority of the Coast Guard Discharge Review Board (DRB) to review discharges or dismissals of former members within 15 years of the date of discharge. This Board has jurisdiction to review declinations of requests for upgrade pursuant to our authority in 10 U.S.C. § 1552.

In general, this Board does not have jurisdiction to consider requests for upgrade by members who are within 15 years of their discharge and have not been declined relief by the DRB.

The Coast Guard Boat Crew Training Manual establishes Coast Guard policy related to the inability of a member to obtain coxswain certification. Paragraph C.13 “Inability of a coxswain to qualify” reads as follows:

The coxswain is the most critical boat crew member. Coxswain certification is a requirement for advancement to and satisfactory service as a BM2.

If a Boatswain’s Mate (E-5 or above) is unable to certify as coxswain, within a reasonable amount of time, the unit commander should provide additional opportunities for training and experience and document the results. If the member still does not show progress, the process for reduction in rate for incompetency or change in rating as outlined in Chapter 5 of the Personnel Manual, COMDTINST M1000.6 (series) should be initiated.

In no case, should a Boatswain’s Mate (E-4 or above), unable to qualify

as coxswain, be recommended for advancement.

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 over under 10 U.S.C. § 1552(a), with the caveats detailed below, as the applicant is seeking corrections of alleged errors and/or injustices in his military records.

2. "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). In cases involving personnel decisions, "the military is entitled to substantial deference in the governance of its affairs." *Dodson v. United States*, 988 F.2d 1199, 1204 (Fed.Cir.1993).

3. The application appears untimely because it was not filed within three years after the applicant discovered the alleged error or injustice, as required by 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22. The applicant was discharged in September 2018 and did not apply to the Board until January 2025. However, the applicant previously applied to this Board for the same relief on April 15, 2022, and that application was docketed on May 5, 2022. The Chair administratively closed that application on May 10, 2022 after determining the applicant had requested relief from the DRB in 2019, and that we therefore lacked jurisdiction because he had not exhausted administrative remedies. The applicant appears to have made a timely and proper request to the DRB for which he has been awaiting a decision for more than six years. While this technically renders his application untimely, justice clearly requires that we excuse his untimeliness to give his application full consideration.

4. As noted above, pursuant to 33 C.F.R. § 52.13(b), "no application shall be considered by the Board until the applicant has exhausted all effective administrative remedies afforded under existing law or regulations, and such legal remedies as the Board may determine are practical, appropriate, and available to the applicant." The Board may administratively close a case after it has been docketed and at any time if it determines that the applicant has not exhausted an available administrative remedy, as required under § 52.13(b). 33 C.F.R. § 52.32(a)(3). Our records show that this was the resolution of the applicant's previous application; upon determining that it was pending before the DRB, we

administratively closed the case for lack of jurisdiction. His application with the DRB appears to remain pending final action.

5. The Coast Guard DRB has authority to recommend “discharge upgrades,” which include changes to Blocks 24-28 of the DD 214, i.e., the Character of Service, Separation Authority, Separation Code, Reentry code, Narrative Reason for Separation.¹ Unlike this Board, the DRB accepts requests for discharge upgrades from former members up to 15 years from the date of discharge. 10 U.S.C. § 1553(a). In addition, if the DRB denies an upgrade request, this Board may review the case, even if received more than three years after the alleged error or injustice occurred. 10 U.S.C. § 1553(b)(2). In other words, a denial of his application to the DRB would renew the applicant’s ability to timely file an application with this Board.

6. The applicant applied to the DRB for relief related to his narrative reason for separation in May 2019, almost immediately following his discharge. He includes in this application both his initial request made using DD Form 293 on May 14, 2019, and correspondence relating to his request with both the DRB staff and the staff of this Board showing the progress and status of that application. It appears his last inquiry with the DRB was returned with an email on August 26, 2024, indicating that his request had moved through “many of the steps in our lengthy review process,” including having been reviewed by the DRB and sent to the “legal office” for review. The applicant appears to have grown impatient awaiting the DRB’s decision, and reapplied to us in January 2025. At no point in the Coast Guard’s correspondence with the applicant have they offered an explanation of why his application has taken more than six years to adjudicate. Inexplicably, the Coast Guard’s advisory opinion to us in this case does not even address the pending DRB action, and instead asserts that this Board has jurisdiction to review this case.

7. Unlike this Board, the DRB is under no strict statutory timeline to adjudicate requests. In theory, the applicant’s request to the DRB could sit indefinitely awaiting their action. As long as such a request is pending, we may never obtain jurisdiction to review it. But we exist to correct alleged error or injustice in Coast Guard records, not to stand rigidly behind our jurisdictional limits in manner that perpetuates the very injustice we are established to correct. The harm the applicant claims is an ongoing one; he asserts that he has experienced decreased post-discharge career opportunities because of a misunderstanding of his narrative reason for separation by potential employers. A timely DRB opinion – even if unfavorable – may have helped the applicant explain to employers why his discharge was in fact appropriate and did not indicate misconduct. The fact that the Coast Guard has not offered this Board or the applicant any explanation for the significant delay in its processing of his DRB application is concerning, and we will not stand behind our jurisdictional limits to allow that delay to further impact the applicant. We consider the DRB’s failure to adjudicate the applicant’s request for more than six years

¹ See <https://www.uscg.mil/Resources/Legal/DRB/>.

to be tantamount to a declination of relief by the DRB, thus constituting exhaustion of effective administrative remedies and conferring jurisdiction on this Board to review that declination under 10 U.S.C. § 1553(b)(2).

8. The Board turns first to the applicant's substantive claims of error and injustice related to his separation from the Coast Guard. He requests that the Board remove "all documents and evaluations specifically citing to coxswain qualification requirements as a basis for negative marks on my record." Without more specificity, we presume the applicant is referring to three CC-3307s dated September 7, 2017 (2) and April 19, 2018 (1) that he includes with his application. However, it appears he is most focused on the CG-3307 that describes his alleged lack of integrity and insubordination for misrepresenting his progress on qualifications. The applicant claims that these documents, and the command's ultimate decisions to disapprove his request to change ratings and separate him, were either improper on their face, or the result of disparate treatment and retaliation.

9. The claims of facial error are straightforward. The applicant acknowledges that he was put on performance probation because of a failure to achieve coxswain qualifications in the timeline specified by his command. Once on probation, he does not contest that he failed again to qualify within the directed period, even after being granted an extension. His chief objection is that he simply wasn't required as a BM3/E-4 to qualify as a coxswain, and that the command's requirement that he do so was unjust. In support of this assertion, he provides an excerpt from the USCG Boat Crew Manual that states that "[c]oxswain certification is a requirement for advancement to and satisfactory service as a BM2. If a Boatswain's Mate (E-5 or above) is unable to certify as coxswain, within a reasonable amount of time, the commander should provide additional opportunities for training . . . If the member still does not show progress, the process for reduction in rate for incompetency or change in rating . . . should be initiated." The Coast Guard's AO does not dispute that this accurately states Coast Guard policy. Since both the applicant and Coast Guard agree on what the written Coast Guard policy is, the Board recognizes the real dispute is in the interpretation of that written policy.

10. The plain language of the Boat Crew Manual applies the requirement for coxswain certification only to members in the grade BM2/E-5. The Manual does not establish coxswain qualification as a requirement to serve as a BM3. Further, it lists change in rating and reduction in rate (presumably back to BM3) as the processes to initiate when a BM2 fails to maintain coxswain certification. While the Board does not question that the command had authority to direct the applicant to train and qualify, there was no requirement that he do so as a condition of remaining in the Coast Guard. The fact that he failed to attain a rating on the command's timeline is not alone a basis to separate him from the Coast Guard.

11. The advisory opinion suggests we draw a significant inference to support the command's decision to separate the applicant. The opinion suggests that coxswain qualification must be a requirement for BM3's because "a member is not allowed to remain an E-4 indefinitely." In other words, because the applicant couldn't stay in the Coast Guard forever as a BM3 and must be coxswain qualified to promote to BM2, coxswain qualification is really a requirement for BM3s. But if the Coast Guard wanted to make coxswain qualification a requirement to serve as a BM3, it would have written it into policy. It very clearly did not. Failure to advance to BM2/E-5 is a wholly different basis for separation from the Coast Guard that was not relied on in the applicant's case. Therefore, the fact that he was not on track to promote was irrelevant to his separation. It appears that the Coast Guard had several options for personnel actions that would have been more favorable to the applicant, and consistent with their policy. These include: (1) allow the applicant to complete his current period of enlistment and be discharged at its natural conclusion on March 4, 2019 (which the applicant asked to do if his CIR request was denied), (2) allow the applicant to serve until high-year tenure would have required his discharge for failure to promote (which may have entitled the applicant to separation pay), or (3) approve the applicant's request for a change in rating. A separation for inaptitude must be based on a member's unfitness due to "lack of general adaptability, want or readiness of skill, clumsiness, or inability to learn." The applicant's service records do not support that he displayed inaptitude, by that definition, to serve at his rate and grade (BM3/E-4). His inaptitude to serve as a BM2 cannot reasonably be asserted as a basis to involuntarily separate him as a BM3 for unsuitability – inaptitude.

12. This is not to say that the command did not have other bases to separate the applicant. Our review is limited to what is in the record, and what was provided by the applicant. The applicant asserts disparate treatment between himself and other similarly-situated members of his unit. We also note that the command documented alleged integrity and insubordination issues in one CG-3307. There was clearly friction between the applicant and his chain of command. Separation for inaptitude, although not supported by the record, may not have been the command's only option. It is not necessary for the Board to analyze this deeply because the applicant does not ask that he be reinstated to the Coast Guard. He only asks for a change to his Narrative Reason for Separation and RE code. This is clearly warranted by the record before us.

13. The Board next turns to the applicant's request to remove negative marks from the record, which we presume are the three CG-3307s he included in his application. We do not find that removal of these documents is warranted, for two reasons. First, the applicant does not dispute the factual accuracy of these documents in any significant way. His focus is on whether he should have been placed on performance probation in the first place. He also disputes the conclusory statement that his misrepresentation of his qualification status – which he claims was a misunderstanding – constituted insubordination or an integrity problem. We aren't in a position, based on the record before us, to find that either the decision to place him on performance probation or the conclusion

that he was insubordinate or lacked integrity were erroneous. Second, as the applicant is no longer in the Coast Guard, the Board fails to see how these documents remaining in the applicant's Coast Guard record represent an injustice that requires a remedy from this Board. In granting the relief related to the applicant's discharge, this Board has remedied any negative effect the applicant is currently experiencing as a result of these documents remaining in his record.

14. The applicant also asks for placement of a "positive Page 7 entry documenting [his] qualifications at the Maritime Force Protection Unit" into his record. He does not provide a copy of this record, or any evidence that it ever existed. As a result, his request is denied.

15. Having already determined that the applicant's discharge for inaptitude warrants correction, the Board now addresses the applicant's SPD code, RE code, and Narrative Reason for Separation as reflected in Blocks 26, 27, 28 on his DD 214. Based on our earlier determination, it is unnecessary for the Board to address the applicant's separate claims that these blocks on his DD 214 are affecting his employment opportunities or otherwise inflicting an injustice upon him.

16. The Coast Guard will issue the applicant a new DD 214. The Narrative Reason for Separation will be "Secretarial Authority," with an SPD Code "JFF" and RE Code "RE-1." All other requested relief is denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former BM3/E-4 [REDACTED] is granted in part. The Coast Guard will issue him a new DD 214 (not a DD 215) incorporating the following corrections:

Block 26 (Separation Code):	JFF
Block 27 (Reentry Code):	RE-1
Block 28 (Narrative Reason for Separation):	Secretarial Authority

All other requested relief is denied.

December 4, 2025

