

**DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS**

---

Application for Correction  
of Coast Guard Record of:

BCMR Docket  
No. 124-97

---

**FINAL DECISION**

████████ Chairman:

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on April 23, 1996, upon the BCMR's receipt of the applicant's request for correction of his military record.

This final decision, dated May 8, 1997; is signed by the three duly appointed members who were designated to serve as the Board in this case.

**Request for Relief**

The applicant was a ██████████ when he filed his application for correction.

According to his military record, the applicant laterally transferred on January 15, 1993 from the SK (storekeeper) rating to the YN (clerical) rating. According to his application, he made a personal decision to make a lateral transfer on the basis of COMDTNOTE 5320, a November 1992 rule that authorized lateral transfers. On October 9, 1992, he reenlisted for six years as an SK1; on January 15, 1993, he was lateraled as a YN1.

The 1992 provision provided that members receive a credit of one point for each six month period of their TIG or TIR (time in grade/time in rate), up to a maximum of 20 points. In January 1996, the Coast Guard reduced the maximum credit for TIG to 10 points.

The application asked the Board to reinstate the 20 TIG points that the applicant had in 1992, before it was reduced in 1996. He alleged it was necessary "to protect the former SK from losing Time-in-Rate (TIR) points for future

advancements." He said he placed considerable importance on the number of TIR points in his "attempts to advance in the Coast Guard."

COMDTNOTE 5320 provided for the transfer of travel and transportation functions regarding household goods from the SK rating to the YN rating. The rule specified the procedure for lateraling from SK to YN.

The applicant alleged that the 20 points maximum was needed to help eliminate the new Yeoman's disadvantage in the SWE (Service-wide Exam). He believed that the 20 points maximum was needed to place him on a level with a senior Yeoman.

### **Views of the Coast Guard**

On March 27, 1997, the Chief Counsel of the Coast Guard recommended that the BCMR deny relief in this case.

On April 22, 1997, the Commandant sent a memo to the applicant disapproving his request for a waiver to the change in the Coast Guard's cap on TIR. The Commandant denied the applicant's request "[s]ince this cap is applied to all ratings."

The Chief Counsel said that the purpose of the 1996 change from a maximum of 20 points to a maximum of 10 points was to reduce the weight of a member's time in grade as a selection criteria across the spectrum of enlisted official ratings.

The Chief Counsel acknowledged that the maximum credit was reduced from 20 points to 10 points in 1996. He said that it would be inconsistent with COMDTNOTE 5320 to interpret the change as a "loss" in violation of the rule. Failure to reduce the maximum number of points would, in the opinion of the Chief Counsel, provide "a windfall to Applicant and other former SKs who chose to lateral, while rendering a corresponding injustice to the other YNs who had served in the pay grade for greater amounts of time than the former SKs against whom they were competing for advancement."

### **Applicant's Response to the Views of the Coast Guard**

On July 15, 1997, the applicant responded to the views of the Coast Guard.

The applicant argued that the reduction in maximum TIR points meant that a former SK, like him, was "losing Time-In-Rate (TIR) points for future advancements." He also stated that the reduction meant "time lost in current rating," is not applied to the new rating. He said that as "a new YN he would be

at a disadvantage" without the TIR points he acquired from the date he originally made SK1."

The applicant argued the Service "unjustly removed a factor" that he regarded as important in deciding whether to lateral from SK to YN in his attempts to advance in the Coast Guard.

He alleged that the Coast Guard capped the TIR at 10 (down from 20). He maintained that the Coast Guard had done so as part of their attempt to manage a totally different manpower issue. That issue, according to the Service, "was the High Year Tenure (HYT) policy of not allowing members to continue their career with the Coast Guard unless they were in pay grade E-5 at their 10-year active duty anniversary date."

The applicant alleged that the Coast Guard failed to consider COMDTNOTE 5320 when they capped the TIR points at 10 "for HYT reasons."

#### 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 applicant's military record, and applicable law:

1. The Board has jurisdiction of this case pursuant to section 1552 of title 10, United States Code. The application was timely.
2. The applicant was in the storekeeper (SK) rating from January 1, 1980 to January 14, 1993. On January 15, 1993, he transferred laterally to the yeoman (YN) rating.
3. A 1992 rule provided that there would be a maximum of 20 points for 10 years time in grade (TIR). The maximum score was modified in January 1996 to provide that the maximum score starting then should be 10, for all ratings.
4. COMDTNOTE 5320 provided that "SK's approved for a lateral to YN shall be notified by Commandant . . . [and] will retain their current pay grade level . . . ." In 1996, a decision was made to reduce the maximum number of points from 20 to 10 for all lateraled ratings. As a result, no one is disadvantaged.
5. The applicant did not suffer any loss when the maximum TIR point was reduced from 20 to 10 for all ratings.

6. The applicant has not alleged any loss other than "historical knowledge" as a result of the reduction of maximum TIR points from 20 to 10. He has also not indicated how he would suffer in the future from this reduction since all ratings were treated equally.

7. The Coast Guard has the authority to change the weight to be given a particular factor as a criterion for selection and promotion. Reducing the weight of TIR is a reasonable such criterion.

8. The applicant has not shown any error or injustice on the part of the Coast Guard,

9. Accordingly, the application should be denied.

**[ORDER AND SIGNATURES ON FOLLOWING PAGE]**

**ORDER**

The application of [redacted]  
of his military record is denied.

SCG, for correction

