

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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2014-014**



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**FINAL DECISION**

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. After receiving the applicant's completed application on November 27, 2013, the Chair docketed the case and assigned it to [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated August 22, 2014, 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 asked the Board to correct her record to show that she was enlisted in pay grade E-2 on February 11, 2013, instead of being enlisted as an E-1 and advancing to E-2 on April 5, 2013. She alleged that she signed her enlistment contract on the grounds that she would be sent to basic training as an E-2, due to graduating at the top of her high school class. However, she was enlisted and paid as an E-1A, instead. The applicant requested that her grade between February 11<sup>th</sup> and April 5<sup>th</sup> be changed to E-2 and that she receive any back pay due as a result of this error. In support of her allegations, the applicant submitted a copy of her career summary showing that she had received a pay grade of E-1A on February 11, 2013, and a grade of E-2 on April 5, 2013.

**SUMMARY OF THE RECORD**

On October 24, 2012, the applicant enlisted in the Coast Guard Reserve as an E-2 under the Delayed Entry Program. She received this advanced pay grade because she informed her recruiter that she graduated in the top 10 percent of her high school class, as initialed on Annex G of her enlistment contract on February 11, 2013. On January 9, 2013, a request for proof was made to determine whether the applicant had, in fact, graduated in the top 10 percent of her class. The applicant's high school transcript shows that she graduated on May 23, 2012, as number 184 out of a class of 693, in the 26<sup>th</sup> percent of her class. As a result, when the applicant enlisted in

the regular Coast Guard on February 11, 2013, she was enlisted as an E-1. The applicant later advanced to a pay grade of E-2 after her completion of basic training.

### **VIEWS OF THE COAST GUARD**

On April 3, 2014, the Coast Guard submitted an advisory opinion recommending that the Board deny relief in this case. The Coast Guard argued that the records showed that the applicant did, in fact, sign an enlistment contract stating that she would enlist as an E-2. However, this was based on her informing her recruiter that she had graduated in the top 10 percent of her class, as evidenced by her initials on Annex “G” of her enlistment contract. The Coast Guard argued that the applicant’s high school transcript stated that she graduated 184<sup>th</sup> in a class of 693, and that she needed a class rank of between 1 and 69 to have been in the top 10 percent. The pay grade of E-1A was, therefore, proper.

### **RESPONSE TO THE VIEWS OF THE COAST GUARD**

On April 9, 2014, the Chair sent the applicant a copy of the views of the Coast Guard and invited her to respond within 30 days. No response was received.

### **FINDINGS AND CONCLUSIONS**

The Board makes the following findings and conclusions based on 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.
2. An application to the Board must be filed within three years after the applicant discovers the alleged error in his record.<sup>1</sup> The applicant discovered the alleged error in 2012; therefore, her application is timely.
3. Based on the evidence in her enlistment documents, the Board finds that the applicant has failed to prove by a preponderance of the evidence that she should have been enlisted at an advanced pay grade of E-2 on February 11, 2013, instead of as an E-1. The applicant’s record shows that she signed an enlistment contract showing an advanced pay grade of E-2; however, her enlistment as an E-2 was based on her claim that she had graduated in the top 10 percent of her high school class. Although the applicant initialed Annex G, claiming that she had graduated in the top 10 percent of her class on February 11<sup>th</sup>, her high school transcript clearly shows that she did not graduate in the top 10 percent of her class. Therefore, the applicant was properly enlisted as an E-1. The applicant has submitted no compelling evidence to show that her enlistment in pay grade E-1 was erroneous or unjust or that she is entitled to any back pay. Her request cannot prevail on the merits.
4. The applicant has not proven by a preponderance of the evidence that her enlistment in pay grade E-1 was erroneous or unjust. Therefore, her request should be denied.

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<sup>1</sup> 10 U.S.C. § 1552(b).

**ORDER**

The application of SN [REDACTED] USCG, for correction of her military record is denied.

August 22, 2014

