

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

---

Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2017-075**

██████████  
██████████

---

**FINAL DECISION**

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 425. The Chair docketed the case after receiving the completed application on February 3, 2017, and assigned it to staff member ██████████ to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated September 8, 2017, 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 seaman who enlisted in 2016, asked the Board to correct her military record to show that she advanced to pay grade E-3 upon graduating from recruit training on July 7, 2016. She enlisted as an E-1 and has advanced to E-3 but alleged that she should have advanced to E-3 upon graduating from recruit training because she had completed more than 60 college credits prior to enlisting. In support of her request, she submitted her college transcript, which shows that she graduated from college with an Associate of Applied Science degree in Emergency Medical Services on May 13, 2013, after earning 70 credit hours.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on May 17, 2016, in pay grade E-1. There is nothing in her record indicating that her Coast Guard recruiter promised to enlist her at a higher pay grade or promised that she would be advanced to E-3 upon graduating from recruit training.

**APPLICABLE REGULATIONS**

Articles 3.A.2. and 3.A.14. of the Enlisted Accessions, Evaluations, and Advancements Manual, COMDTINST M1000.2A, provide that a commanding officer may advance a member to pay grade E-3 after six months in pay grade E-2 or satisfactory completion of an "A" school.

Article 3.A.2. of the Coast Guard Recruiting Manual, COMDTINST M1100.2 (series), states that guarantees and incentives for approved recruiting programs must be made in writing and approved by the Accessions Division (CG RC-acc) unless otherwise specified by CG PSC-c or CG RC-c.

Article 3.A.4. of the Recruiting Manual states that the recruiting programs, including guarantee, incentive, and bonus programs, are subject to the needs of the service, and that CG PSC or CG Recruiting Command may activate or suspend individual programs as determined to be necessary to meet specific recruiting goals.

Article 3.B.1.a. of the Recruiting Manual states that a recruit with no prior service will ordinarily be enlisted as a Seaman Recruit (E-1). However, recruits are eligible to enlist in pay grade E-2 or E-3 if they qualify under the requirements of an advanced pay grade program.

Article 3.B.1.b. of the Recruiting Manual states that non-prior service recruits who qualify for enlistment may enlist in an advance pay grade based on the education and training requirements summarized in Table 3-1. Article 3.B.1.b.(1)(a) specifically states that completion of a certain number of college credits may qualify a member to enlist in an advanced pay grade.

Table 3-1 of the Recruiting Manual states that college students who complete 30 semester hours may be enlisted in pay grade E-2, and enlisted in the pay grade E-3 if they complete 60 semester hours.

On May 6, 2015, the Commandant issued the Fiscal Year 2016 Enlisted Training and Accession Plan (ETAP) providing a three-year outlook for enlisted active duty and Reserve accessions and “A” School enrollment needs. It notes that accessions and training needs have increased to moderate levels following a period of historic low attrition and stagnated advancement from FY 2011 to FY 2013. Paragraph 4.d. states, “Incentive programs outlined in [the Recruiting Manual] that enable Active Duty recruits to enlist at advanced pay grades shall be limited. Enlistments at the E-3 pay grade are restricted to applicants holding a baccalaureate or higher degree or applicants that have completed a qualifying period of Active Duty service in the U.S. military.” The ETAP is silent with regards to enlistments at the E-2 level.

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

On June 26, 2017, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC).

PSC argued that relief should be denied because at the time the applicant enlisted, the Coast Guard required a bachelor’s degree or higher degree to enlist recruits at a higher pay grade, and the applicant had earned only an associate’s degree. PSC noted that although Table 3-1 of the Recruiting Manual states that non-prior service recruits may enlist in an advanced pay grade if they had completed 60 credit hours of college courses, Article 3.A.4. of the manual states that the use of the recruiting incentive program is determined by the Recruiting Command, is based on the needs of the Service, and may be suspended at any time. Moreover, PSC provided a copy

of the FY 2016 ETAP, dated May 6, 2015, and pointed out that paragraph 4 authorized the Recruiting Command to offer non-prior service recruits a higher pay grade only if they held a bachelor's degree or higher degree.

### APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On June 29, 2017, the Chair sent the applicant a copy of the Coast Guard's views and invited her to respond within 30 days. The Chair did not receive a response.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of 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. The application was timely.

2. The applicant alleged that her pay grade is erroneous and unjust because she should have been advanced to E-3 upon graduating from recruit training because she had completed more than 60 credit hours of college before joining the Coast Guard. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.<sup>1</sup> Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties "correctly, lawfully, and in good faith."<sup>2</sup>

3. The record shows that the applicant had completed 70 credit hours and received an associate's degree before enlisting, but she was not eligible to advance to E-3 upon graduating from recruit training in 2016 because she had not yet served six months in pay grade E-2 or graduated from "A" school, as required by Article 3.A.14. of COMDTINST M1000.2A. Nor is there anything in her record showing that she was ever promised such an early advancement by her recruiter.

4. The preponderance of the evidence shows that the applicant was properly enlisted in pay grade E-1 in accordance with Article 3.B.1.a. of the Coast Guard Recruiting Manual, which states that a recruit with no prior service will ordinarily be enlisted as a Seaman Recruit (E-1). The applicant was not eligible to be enlisted as an E-3 because, at the time she enlisted, the Coast Guard was offering advanced pay grades only to those non-prior service recruits who had obtained at least a bachelor's degree. The applicant had earned an associate's degree but not a bachelor's degree. The Board notes that although Table 3-1 of the Recruiting Manual states that recruits may be enlisted in pay grade E-2 or E-3 if they have a certain number of semester hours, the language allows for discretion, and Article 3.A.4. of the Recruiting Manual provides

---

<sup>1</sup> 33 C.F.R. § 52.24(b).

<sup>2</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

that the Coast Guard may activate or suspend any incentive program as needed based on the needs of the Service. Pursuant to this authority, the Coast Guard issued the FY 2016 ETAP on May 6, 2015, and authorized the Recruiting Command to offer non-prior service recruits enlistment at an advanced pay grade (E-3) only if they held a bachelor's degree or higher degree. The ETAP did not mention enlistments at pay grade E-2 but stated that, based on Service needs, enlistment incentives "shall be limited." Given the discretionary language in the Recruiting Manual and the lack of any documented promise of enlistment at an advanced pay grade, the Board is not persuaded that the applicant was entitled to enlist as either an E-2 or an E-3.

5. The applicant has failed to prove by a preponderance of the evidence that she should have been enlisted in an advanced pay grade or that she should have been advanced to E-3, as she alleged, upon graduating from recruit training. Accordingly, her request for relief should be denied.

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

**ORDER**

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

September 8, 2017

