

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2018-177

████████████████████
██████████; PO3

FINAL DECISION

This proceeding was conducted 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 July 11, 2018, and assigned it to staff member ██████████ to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated July 19, 2019, 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, an active duty Petty Officer, Third Class (PO3/E-4), asked the Board to correct her record by changing her initial pay grade upon enlistment in October 2015 from E-1 to E-3. She alleged that, because she had completed 100 credit-hours and received an Associate's Degree at an accredited American university prior to enlisting, she was eligible to enlist at a higher rate. She cited the Coast Guard Recruiting Manual (COMDTINST M1100.2F), Chapter 3.B., Table 3-1, to show she was eligible to enlist as an E-3; she stated that the table indicates that a member who has 60 semester-hours is eligible to sign his or her initial enlistment contract at the E-3 pay grade.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on October 27, 2015. Her enlistment documents show that she entered the Coast Guard as a Seaman Recruit, E-1.

Upon enlistment, the applicant provided a copy of her transcript from the University of ██████████. The transcript shows that she received an Associate of Arts degree on May 7, 2010, and completed more semester-hours after the conferring of the degree in "Summer 2015." In total, she completed 100 credit hours, but she did not receive a Bachelor's Degree.

VIEWS OF THE COAST GUARD

On February 5, 2019, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which she recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC stated that, since the applicant enlisted on August 21, 2015, her enlistment was governed by the FY14 Enlisted Training and Accessions Plan, even though the applicant enlisted in FY15.¹ This plan suspended many paygrade enlistment incentives and allowed enlisted members to enter at paygrade E-3 only if they held a Bachelor's degree or at least 120 credit-hours. Since the applicant had neither a Bachelor's degree nor 120 credit-hours, PSC recommended denying relief.

The JAG's memorandum admitted that the COMDTINST M1100.2E, Article 2.E.6 states that applicants with 60 semester hours or 90 quarter hours of post-secondary education "may enlist in pay grade E-3." However, the JAG noted that the article in question was suspended by the FY15 Enlisted Training and Accessions Plan, so no error or injustice was committed.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On February 5, 2019, the Chair sent the applicant a copy of the Coast Guard's views and invited her to respond within thirty days. The applicant responded to the opinion in a brief email on February 11, 2019, saying that she did not object to the Coast Guard's denial of relief.

APPLICABLE LAW AND POLICY

Coast Guard Recruiting Manual

According to the 2006 Coast Guard Recruiting Manual, COMDTINST M1100.2E, Art. 2.E.6.b.6.(c), "applicants who have satisfactorily completed 60 semester hours or 90-quarter hours of post-secondary (college) education **may** enlist in pay grade E-3." (Emphasis added.)

Fiscal Year 2015 Enlisted Training and Accessions Plan

The Fiscal Year 2015 Enlisted Training and Accessions Plan memorandum, issued June 14, 2014, discusses in relevant part:

Incentive programs outlined in reference (b) 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.

Advanced pay grade enlistments for the Recruit Referral Program, Naval Sea Cadet Corps, USAF Civil Air Patrol, Police Explorers, Sea Explorers, Eagle Scouts (or equivalent), and applicants graduating in the top 10 percent of their high school class are suspended. Advanced pay grade

¹ According to the FY17 plan, the restrictions that began in FY14 were in force until FY17.

enlistments for Reserve Officer Training Corps (ROTC) and Junior Reserve Officer Training Corps (JROTC) participation remain authorized.

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.
2. The application is timely because it was filed within three years of the applicant's discovery of the alleged error or injustice in the record, as required by 10 U.S.C. § 1552(b).
3. The applicant alleged that her enlistment in paygrade E-1, instead of E-3, was erroneous and unjust. 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 the military record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.² 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."³
4. While the applicant had completed 100 semester-hours of college courses when she enlisted in the Coast Guard, she held an Associate of Arts degree, which is not a Bachelor's (baccalaureate) degree. COMDTINST M1100.2E does allow recruiters to enlist applicants with some college credits at the E-3 pay grade, but the language in the manual is permissive. And the FY15 Enlisted Training and Accession Plan amended the authority in COMDTINST M1100.2E and required a baccalaureate degree for new recruits to enlist at the E-3 pay grade. The applicant has not shown that she had earned a baccalaureate degree before she enlisted or that she had a previous period of active duty or participated in an ROTC or JROTC program, and she accepted the JAG's recommendation to deny relief. Therefore, the preponderance of the evidence shows that the applicant's enlistment in paygrade E-1 was neither erroneous nor unjust.
5. Accordingly, the applicant's request for relief should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

² 33 C.F.R. § 52.24(b).

³ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

ORDER

The application of PO3 [REDACTED] USCG, for correction of her military record is denied.

July 19, 2019

