

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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2022-048**

**GAGE, Kenneth A.**  
MK1

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**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 May 4, 2022, 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 April 19, 2024, 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 Machinery Technician, First Class (MK1/E-6), asked the Board to correct his record by manually entering the Sea Time Incentive Point for the May 2022 Service Wide Examination (SWE), pursuant to ALCOAST 016/22. The applicant requested that the Board enter this point under his Sea Points category within his Personnel Data Extract (PDE),<sup>1</sup> which is a portion of the Personnel Data Record (PDR) for the May 2022 SWE. The applicant claimed that the Incentive Point was granted to all level 4 and 5 cutters for the new sea time point scale as stated in ALCOAST 016/22, however, due to programming issues in Direct Access, he is being penalized because the Incentive Point is now being credited toward his "award points," where he is already maxed out on award points. The applicant alleged that his Incentive Point was added under the award point section of the SWE PDE to allow for members to receive the incentive point for the May 2022 SWE, but he did not receive the entitled sea time point for the May 2022 SWE because he already had the maximum allowable award points of 10.

To support his application, the applicant submitted an email chain between himself and his command, wherein it was ultimately determined that the applicant, along with other service members, would not be receiving the Incentive Point due to programming issues.

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<sup>1</sup> The PDE is the portion of the PDR that includes data that can affect a service member's position on the advancement list. The service member is responsible for checking this portion to ensure that he/she is being credited with all earned points for awards, sea service, time in service, etc.

### SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on December 3, 2001, where he trained as a Machinery Technician (MK), advancing to the rank of E-6.

### VIEWS OF THE COAST GUARD

On November 15, 2022, a Judge Advocate (JAG) for the Coast Guard submitted an advisory opinion in which he 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 explained that ALCOAST 103/21 announced the Military Workforce Planning Team (MWPT) recommendations for non-monetary interventions that were approved for the 2022 Fiscal Year. One of these interventions was a change in the Enlistments Evaluations and Advancements manual, COMDTINST M1000.2C, providing targeted increases in Sea/Surf Duty Points for the SWE. Prior to this intervention, in accordance with COMDTINST M1000.2C, members competing in the SWE competition received credit for each full month of Coast Guard sea duty, not to exceed two whole points per year. PSC stated that a previous intervention had resulted in members permanently assigned to a Large Maritime Security cutter, also known as a WMSL, on or after January 1, 2016, receiving credit for each full month of sea duty, not to exceed 2.333 points per year. According to PSC, the approved intervention in ALCOAST 103/21 authorized further changes to points credit for sea duty, effective October 1, 2021, as follows:

- 1) Members assigned to a Career Sea Pay (CSP) Level 4 cutter would receive credit for each full month of sea duty, not to exceed 2.5 points per year, and
- 2) Members assigned to a CSP Level 5 cutter would receive credit for each full month of sea duty, not to exceed 3 points per year.

PSC explained that following the release of ALCOAST 103/21, a Direct Access change request was submitted to initiate programming changes in Direct Access necessary to facilitate implementation of the intervention outlined in ALCOAST 103/21. PSC claimed that based on a timeline to complete the necessary programming changes, in addition to performing required system and user validation testing, it was ultimately determined that the intervention, as announced, could not be implemented in time for the May 2022 SWE. As a result, Coast Guard commanders approved a recommendation to delay implementation of the intervention and provide a stopgap for the May 2022 SWE. This led to the release of ALCOAST 016/22, wherein an update to ALCOAST 103/21 was announced, specifically, that the approved intervention would not be ready for implementation in time for the May 2022 SWE. ALCOAST 016/22 also announced a stopgap solution for the May 2022 SWE, which was to authorize one (1) Incentive Point for personnel assigned to a Career Sea Pay Level 4 or 5 cutter.

Finally, PSC explained that in the Service Wide Competition, placement on the advancement list resulting from the examination is based on the member's final multiple, which is composed of six factors totaling a maximum of 200 points for active duty personnel, pursuant to Article 3.A.2.f. of COMDTINST M1000.2C. The six factors include the examination score, performance evaluation marks, time in service, time in grade, medals and awards, and amount of

sea or surf duty. PSC stated that sea/surf duty points make up 30 of the possible 200 points, while award points making up 10 of the possible 200 points. Article 3.A.3.g. of COMDTINST M1000.2C states, “Additional SWE Points for CCs, OICs and those approved by the enlisted Workforce Planning Team (WPT). Incentives under this Article will be treated as award points in accordance with Articles 3.A.3.f. and 3.A.17. of this Manual, but are not physical awards.”

PSC explained that although ALCOAST 103/21 initially announced an increase to actual Sea/Surf Duty Points, ALCOAST 016/22 superseded ALCOAST 103/21 in its authorization of an Incentive Point. Given that the Incentive Point stopgap was approved by the WPT in conjunction with Coast Guard Headquarters, COMDTINST M1000.2C is clear on how such a point will be counted in a member’s final multiple. PSC stated that the applicant’s request was reviewed for relief and it was determined that that the applicant’s SWE points were determined in accordance with policy. PSC claimed that the applicant was in fact awarded the authorized Incentive Point, with the appropriate entry made in Direct Access, but because the applicant had accumulated more than 10 award points, including the Incentive Point, since his most recent advancement, he received the maximum credit of 10 award points towards his final multiple for the May 2022 SWE. For the reasons outlined, PSC recommended the Board deny relief in this case.

**APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On November 25, 2022, the Chair sent the applicant a copy of the Coast Guard’s views and invited him to respond within thirty days. As of the date of this decision, no response has been received.

**APPLICABLE LAW AND POLICY**

Article 3 of the Enlistments, Evaluations, and Advancements Manual, COMDTINST M1000.2C, provides the following guidance on Advancement Final Multiple:

**Article 3.A.3.f. Advancement Final Multiple.** Advancement is based on the member’s final multiple which is composed of the below factors for active duty personnel. Reserve members do not receive credit for sea/surf duty.

FACTOR	MAXIMUM CREDIT	HOW COMPUTER
Examination Score	80	Examination standard score
Performance Factor	50	See Article 3.A.7.b. Compute using spreadsheet on the (CG PPC (ADV)) website.
Time in Service (TIS)	20	Total month TIS – 12. 1 point credit per year or .083 point credit for each full month. Maximum credit is given for 20 years.
Time in Pay Grade in Present Rating	10	2 point credit per year or 0.166 point credit for each full month. Maximum credit is given for 5 years.

Medals and Awards	10	See Article 3.A.3.f.(2) of this Manual.
Combination of Sea/Surf Duty (active duty members only)	30	Credit given IAW Article 3.A.17. of this Manual.
TOTAL:	200	

1. Final Multiple. Pay and Personnel Center (PPC) will publish the elements that are used in computing a member’s final multiple twice during the SWE. The first time is on the member’s Personnel Data Extract (PDE) which is when the member must take corrective action if it’s incorrect. The second time is on the member's profile letter, if the member took the SWE, which shows all points creditable and the final multiple.

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**Article 3.A.17. Sea/Surf Duty and Award Points for Servicewide Examination Competition.**

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b. Rules Specific to Sea/Surf Duty Points.

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2. Members Assigned to a National Security Cutter (WSML). Members assigned PCS to a WSML on or after 1 January 2016 will receive credit for each full month of sea duty, not to exceed 2.333 points per year.

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***Coast Guard Bulletins***

ALCOAST 103/21 issued on October 19, 2021, was meant to adopt the following relevant changes:

1. This ACN details the results of the Military Workforce Planning Team (MWPT) non-monetary enlisted interventions. The MWPT convened in May 2021 to develop and recommend workforce policy interventions. Per REF (A), the MWPT identified strategies for rates/ratings deemed to have personnel shortages that could negatively influence mission execution. MWPT deliberations considered factors from a broad spectrum of organizational needs.

2. 2. Approved policy interventions are applicable to Enlisted Active Duty and Reserve under Extended Active Duty (EAD) orders. The interventions offered in this ACN begin in FY22 (beginning 01 Oct 2021) and are anticipated to remain in effect until the end of FY22 (30 Sep 2022).

3. Critical Ratings: At this time, AST and CS are not forecasted to close within 5% of authorized levels within 12 months.

4. Stressed Ratings: At this time BM, GM, and OS are not forecasted to close within 2% of authorized levels within 12 months.

5. The following intervention strategies are authorized to attract and retain personnel in targeted rates to support a mission ready workforce to meet Service needs.

**7. NON-MONETARY INTERVENTIONS SWE POINTS.**

a. Members assigned to a Level 4 cutter will receive credit for each full month of sea duty, not to exceed 2.5 points per year. Members assigned to a Level 5 cutter will receive credit for each full month of sea duty, not to exceed 3 points per year. This will be a permanent policy change and will modify Section 3.A.17.b(2) of REF (C).

ALCOAST 016/22 issued on March 7, 2022, was issued to update the planned implementations in ALCOAST 103/21. The following portions are relevant:

1. This ACN announces an update to the results of the FY22 Military Workforce Planning Team (MWPT), specifically the intervention for Service Wide Examination (SWE) competition points for sea duty authorized by paragraph 7.a. of REF (A).<sup>2</sup>

2. The Direct Access software programming changes required to facilitate the permanent change in SWE points for sea duty are still in progress and will not be completed in time for the May 2022 SWE.

3. Due to this delay, based upon feedback from the MWPT, and for the May 2022 SWE only, one (1) Incentive Point is authorized for personnel assigned to a Career Sea Pay (CSP) Level 4 or 5 cutter. The following is required for the Incentive Point:

a. Members must have been assigned to a Level 4 or 5 cutter on or before 01 Oct 2021, and must have remained continuously assigned to a Level 4 or 5 cutter through 31 Jan 2022;

b. Commands shall verify continued assignment; and

c. Upon command verification, unit administration personnel shall enter one (1) Incentive Point into Direct Access for each eligible member, using the “ZZSWE1-SWE Incentive 1 Point” award code and an “Award Approval Date” of 31 Dec 2021.

4. Additional guidance regarding this intervention for future SWEs will be announced at a later date.

5. All other provisions of REF (A) remain in effect.

### 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 over this matter under 10 U.S.C. § 1552(a) because the applicant is requesting correction of an alleged error or injustice in his Coast Guard military record. The Board finds that the applicant has exhausted his administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued.

2. The application was 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).

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<sup>2</sup> ALCOAST 103/21

3. The applicant requested an oral hearing before the Board. The Chair, acting pursuant to 33 C.F.R. § 52.51, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation.<sup>3</sup>

4. The applicant alleged that the Coast Guard erred by not including his Sea Time Incentive Point in his record for the May 2022 SWE. 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.<sup>4</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>5</sup>

5. The Board's review of the record shows that the Coast Guard issued ALCOAST 103/21 announcing changes to the WPT program that would have provided service members assigned to a Level 4 cutter with credit for each full month of sea duty, not to exceed 2.5 points per year and members assigned to a Level 5 cutter with credit for each full month of sea duty, not to exceed 3 points per year. These changes were set to take effect for the May 2022 SWE. However, due to programming issues within Direct Access, these changes could not take effect in time. As a result, the Coast Guard issued ALCOAST 016/22, wherein it notified members that paragraph 7.a. of ALCOAST 103/21, which was pertinent to the applicant, would not take effect as planned, resulting in members receiving only one Incentive Point for the May 2022 SWE, which would be credited to the service member's "Medals and Awards" category of the PDE. At this time, the applicant had already accrued the maximum allowable 10 points for the "Medals and Awards" category and therefore did not receive the benefit of his Incentive Point for the May 2022 SWE.

The applicant claimed that because of the programming issues with Direct Access that prevented the implementation of Paragraph 7.a of ALCOAST 103/21 he was unjustly penalized and did not receive the benefit of his Incentive Point. According to the applicant, he is entitled to have his Incentive Point included in the "Sea/Surf Duty" category of his PDE. However, the applicant has failed to point to a Coast Guard policy that required the Coast Guard to award him his Incentive Point under any other PDE category other than the "Medals and Awards" category as outlined in policy. Article 3.A.3.g. of COMDTINSTS M1000.2C states that incentive points under this Article will be treated as award points in accordance with Articles 3.A.3.f. and 3.A.17. of this Manual, even though they are not associated with actual awards. The record shows that the applicant's Incentive Point was credited to his military record in accordance with policy and the applicant's records are presumptively correct. He has not shown that similarly situated members who already had 10 award points had the new Incentive Point added to their sea/surf duty points instead. Accordingly, the Board finds that the applicant has failed to prove by a preponderance of

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<sup>3</sup> *Armstrong v. United States*, 205 Ct. Cl. 754, 764 (1974) (stating that a hearing is not required because BCMR proceedings are non-adversarial and 10 U.S.C. § 1552 does not require them).

<sup>4</sup> 33 C.F.R. § 52.24(b).

<sup>5</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).

the evidence that the Coast Guard committed an error or injustice when it retracted ALCOAST 103/21 by issuing ALCOAST 016/2022. Therefore, his requests for relief should be denied.

6. For the reasons outlined above, the applicant has not met his burden, as required by 33 C.F.R. § 52.24(b), to overcome the presumption of regularity afforded the Coast Guard that its administrators acted correctly, lawfully, and in good faith.<sup>6</sup> He has not proven, by a preponderance of the evidence, that his Incentive Point should have been included in his “Sea/Surf Duty” category instead of his “Medals and Awards” category. Accordingly, the applicant’s requests for relief should be denied.

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<sup>6</sup> *Muse v. United States*, 21 Cl. Ct. 592, 600 (1990) (internal citations omitted).

ORDER

The application of MK1 [REDACTED] [REDACTED] United States Coast Guard, for the correction of his military record is denied.

April 19, 2024

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