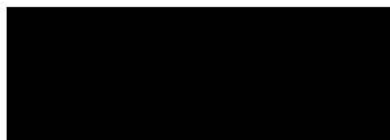


**DEPARTMENT OF HOMELAND SECURITY  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2017-229**



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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. § 425. The Chair docketed the case after receiving the completed application on July 26, 2017, and assigned it to staff attorney [REDACTED] to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated April 13, 2018, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICANT'S REQUEST**

The applicant, a [REDACTED] (E-6) in the Coast Guard Reserve, asked the Board to correct his military record by removing a Page 7<sup>1</sup> dated March 19, 2016.

The applicant explained that he was erroneously issued a negative Page 7 for the prohibited use of a Government Travel Credit Card (GTCC) based on a change in his travel orders. He had originally been instructed that he was not authorized to obtain a rental vehicle while attending a training from January 24 to 29, 2016. However, he was subsequently informed that his travel orders had been amended to authorize a vehicle rental during his travel. When the travel claim was submitted, the amendment was not included and the request for the vehicle rental was declined. The applicant claimed that a "subsequent investigation revealed that the amendment was properly executed prior to the beginning of the orders and the expenditure has since been reimbursed to [the applicant] by the Coast Guard travel office." He therefore requested that the negative Page 7 documenting the misuse of the GTCC be removed from his record. In support of his application, he provided several supporting documents which are described below in the Summary of the Record.

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<sup>1</sup> An Administrative Remarks record entry, form CG-3307, better known as a "Page 7," is used to document a member's notification of important information, achievements, or counseling about positive or negative aspects of a member's performance in the member's military record.

### SUMMARY OF THE RECORD

On November 24, 2015, the applicant received orders for the period January 24 to 29, 2016. The travel itinerary states that he was departing from his own duty station to report to his own duty station on January 24, 2016, and that he was leaving his duty station to report to his duty station on January 29, 2016. The orders also authorized \$688.50 for airfare and \$200 for taxi fare, however, as well as per diem, government lodging at the training center, and a daily mess rate. The "Travel Entitlement" paragraph states, "You are authorized travel via commercial carrier (GTR) to place of duty. You are directed to utilize SATO Travel for reservations at . . . . SATO quoted the estimated cost of this GTR to be \$688.50 which include SATO fee. Local transportation is authorized." The "Remarks/Comments/Additional Instructions" entry states that the applicant was to report to the Coast Guard [REDACTED], no later than 7:30 a.m. on January 25, 2016, to complete a leadership training course as part of his annual training requirement.

On January 12, 2016, a YN1 at the applicant's unit signed a memorandum to the applicant with the subject line "First Amendment to Reserve Orders." His orders were amended to read "Member authorized rental vehicle at a rate not to exceed the es [REDACTED] [REDACTED]'s estimated at \$200.00." He was informed that this amendment was now a part of his official orders and was to "remain attached to the orders."

On February 25, 2016, a Chief Yeoman emailed a member of the applicant's Command and stated "as discussed" it appeared that the applicant had misused his GTCC by charging an unauthorized rental car. He requested that the applicant be counseled on a Page 7 after he was given an opportunity to explain the circumstances of the situation. The Chief Yeoman stated that the applicant's GTCC account would be closed due to the misuse and that he would be able to reopen an account in three years. The YN1 was not cc'ed on this email.

The applicant received the disputed Page 7 on March 19, 2016. It is signed by the applicant's Commanding Officer and the applicant. It states

[I]t has been found that on 29 January 2016 you used your Government Travel Card to pay for a rental car with charges totaling \$147.32. By doing so, you used your GTCC for purchases that were not authorized by an approved set of travel orders. This is in direct violation of a General Order...

Your GTCC account has been closed for misuse. You will need to ensure that future travel orders include authorization to use the Centrally Billed Account for common carrier transportation and authorization for travel advances as required to meet the travel requirements.

On this date, you have been counseled that misuse of your GTCC, which is only for authorized official travel related expenses, brings discredit upon the Service, burdens the command administratively, jeopardizes your ability to maintain a security clearance, and may prevent you from being assigned OCONUS. Additionally, you need to understand that this misuse can reflect negatively in your performance evaluations and may become grounds for denial of reenlistment or discharge from the Service.

On December 1, 2016, a GTCC Program Coordinator noted that a random review had shown that the applicant's travel orders were improper. "The SATO reservation and transaction for car rental do not appear to be authorized by the travel order."

On December 2, 2016, the YN1 who had signed the memorandum amending the applicant's travel orders sent his chief an email stating, "ADT Orders (issue date 11/24/2015) and ADT Amendment (issue date 1/12/2016) for TONO ... are attached for your review. My assumption is when scanning the required orders and receipts that the original amendment was not attached or did not properly scan through. Please let me know if you require any additional information."

On January 22, 2017, the email traffic from the initial February 25, 2016, email was sent to members of the applicant's command again with a message asking for the Page 7 to be reviewed as it appeared that the applicant "actually had authorization to use the credit card for a rental car, and so was given a negative Page 7 in error."

On January 24, 2017, the applicant received an email from the Coast Guard Travel Office informing him that a travel voucher had been processed in the amount of \$189.10.

On June 11, 2017, the applicant's chief began a new email chain amongst members of the applicant's command, including the applicant. The email provided a summary of the events at issue here. The summary states that the applicant received orders to attend [REDACTED] from January 24 to 29, 2016, which contained an allowance for transportation via taxi. "Based on [the applicant's] conversation with yeoman he understood this allowance could be applied to rental car, and so rented a car for this period." An auditor alerted the command of the potential misuse of the GTCC. On February 25, 2016, a Chief Yeoman instructed the applicant's command to counsel him via Page 7 and revoke his GTCC. The applicant received the negative Page 7 on March 19, 2016. On January 21, 2017, "another audit reveals that [the applicant] was actually authorized use of government credit card for rental car and would be reimbursed for the cost... The reimbursement for the rental car prompted more investigation into the matter, revealing the supporting documentation (amendment to orders authorizing the rental)." The chief asked that the applicant be assisted in processing the removal of the negative Page 7 "which has been determined to have been administered based on incomplete or incorrect information."

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

On December 6, 2017, the Judge Advocate General of the Coast Guard submitted an advisory opinion in which she recommended that the Board grant relief, based on the analysis of the case provided in a memorandum from the Commander, Personnel Service Center (PSC).

PSC argued that the March 19, 2016, Page 7 should be removed from the applicant's record because "the applicant has shown that an error occurred in the issuance" of the Page 7. He was entitled to a rental car while he was on temporary duty for training as evidenced by the Amendment to Reserve Orders, which does not constitute a misuse of his GTCC. PSC noted that it is unclear why he signed and failed to contest the Page 7 if he knew that his orders had been amended to authorize a rental car. However, he "provided enough documentation to justify granting relief to remove the negative" Page 7. PSC recommended that the Board grant relief.

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

On January 2, 2018, the Chair mailed a copy of the views of the Coast Guard to the applicant for a response. The Board 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 submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10 of the United States Code. The application was timely.

2. The applicant argued that the March 19, 2016, Page 7 should be removed from his record because it is erroneous and unjust. In 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>2</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>3</sup>

3. The preponderance of the evidence shows that the applicant's travel orders to attend [REDACTED], from January 24 to 29, 2016, were amended on January 12, 2016, to allow him to obtain a rental vehicle at a cost of up to \$200. Although the amendment clearly states that the document was to "remain attached to the orders," it apparently was not properly processed because on March 19, 2016, the applicant received a negative Page 7 for unauthorized use of his GTCC for obtaining a rental car for \$147.32. While the applicant's failure to protest the Page 7 when it was issued is not explained, the Board agrees with the Coast Guard that he has proven by a preponderance of the evidence that his use of a rental car while on travel in January 2016 did not constitute a misuse of his GTCC given the amendment of the orders. The disputed Page 7 is therefore erroneous and unjust.

4. The applicant has proven by a preponderance of the evidence that his record contains an erroneous and unjust Page 7 dated March 19, 2016. Accordingly, his record should be corrected by removing the Page 7 in its entirety.

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

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<sup>2</sup> 33 C.F.R. § 52.24(b).

<sup>3</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).

**ORDER**

The application of [REDACTED], USCGR, for correction of his military record is granted. The Coast Guard shall remove from his record the Page 7 (CG-3307) dated March 19, 2016, which alleges misuse of a GTCC.

April 13, 2018

