DEPARTMENT OF HOMELAND SECURITY BOARD FOR CORRECTION OF MILITARY RECORD

Application for Correction of the Coast Guard Record of:

BCMR Docket No. 2017-231



FINAL DECISION

This is a proceeding under the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 425. The Chair docketed the case after receiving the application and the applicant's military records on August 11, 2017, and assigned the case to staff member to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated June 22, 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 AND ALLEGATIONS

	E-5) on active duty, asked the
Board to correct her record by amending a r	negative Administrative Remarks form (CG-3307 or
"Page 7")1 dated July 18, 2017. The Page	7 documents counseling for her role in playing an
inappropriate practical joke on a chief petty	officer, It also documents counseling for
	tty officer, not to contact or communicate
with another E-5, while	investigated the practical joke.
disobeyed a direct order not to have any contract that she did not disobey any order because communication with	7 should be amended because it states that she ntact or communication with She argued she was never told to completely avoid contact or hat she was indeed told not to speak with spoke to she did not talk about the
stated that she and the applicant had associat	plicant submitted a signed letter from who who ded at a morale event after an advancement ceremony the morale event where she had casually spoken to the

¹ 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.

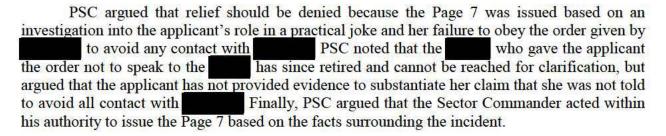
applicant, did the Senior Chief take her aside, tell her about the investigation, and tell her that she was not to speak to anyone about the investigation. She stated she was told only that she could not talk to others about the investigation and was not told that she had to completely avoid contact with anyone.

SUMMARY OF THE RECORD

The applicant's record contains a negative Page 7 dated July 18, 2017, and signed by the Sector Commander, The Page 7 documents her role in an unwelcome and practical joke on which resulted in "loss of productivity, left the Chief feeling disrespected, and
demonstrated a concerning lack of professionalism" on her part. It also states that of greater
concern was her failure to obey a May 31, 2017, order given by
communicate with in any way while the conducted the investigation into the
practical joke. The Page 7 states that went to great lengths to "specify all the ways you
might possibly communicate with a person. Despite this very explicit order, you were seen
sitting at a table with [at a morale event the very next day on 1 Jun 2017, clearly
having a conversation with and even sharing with her something on your phone." The
Page 7 instructs the applicant to apologize to both
Because 's order was verbal, the exact wording of his order to the applicant is not in the record.

VIEWS OF THE COAST GUARD

On December 28, 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).



APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On January 22, 2018, the Chair sent the applicant a copy of the views of the Coast Guard and invited her to respond within thirty days. No response was received.

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 is timely.

2.	The applicant alleged that a Page 7 documenting counseling on July 18, 2017,
should be co	rrected because, contrary to what the Page 7 says, she was never told to avoid all
contact with	When considering allegations of error, the Board begins its analysis in
every case by	y presuming that the disputed Page 7 is correct as it appears in his record, and the
applicant bea	ars the burden of proving by a preponderance of the evidence that it is erroneous or
unjust.2 Abse	ent evidence to the contrary, the Board presumes that a member's military records
have been pre	epared "correctly, lawfully, and in good faith." ³

 The Board finds that the applicant has not <u>submitted</u> sufficient evidence to
overcome the presumption of regularity accorded the Page 7. submitted a statement for
the applicant concerning what told after she spoke to the applicant at a morale
event on June 1, 2017. 's statement, however, does not prove that
the applicant the day before not to contact or communicate with
limiting the prohibition to just contact or communications about the investigation. The Page 7
notes that in delivering this order, the senior chief specified at length all the ways that the
applicant might contact or communicate with
The Page 7 is signed by the Sector Commander and is presumptively correct under 33 C.F.R.
§ 52.24(b).4 's statement about what told her after the morale event does not
cast doubt on the accuracy of the Page 7.

The applicant has not proven by a preponderance of the evidence that the disputed Page 7 is inaccurate, erroneous, or unjust. Therefore, her request 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.

⁴ See Arens v. United States, 969 F.2d 1034, 1037 (Fed. Cir. 1992) (citing Sanders v. United States, 594 F.2d 804, 813 (Ct. Cl. 1979), for the required presumption, absent evidence to the contrary, that Government officials have carried out their duties "correctly, lawfully, and in good faith.").

ORDER



June 22, 2018

