

**DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 60-96

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on January 18, 1996, when the applicant filed an application for correction of his military record.

This is the final decision in this case, dated February 28, 1997. It is signed by the three duly appointed members who were designated to serve as the Board in this case.

Request for Relief

The applicant, a [REDACTED]; pay grade E-6), requested that corrections be made with respect to his enlisted performance evaluation (EPE) for the period from December 1, 1994 to May 31, 1995 (disputed EPE). The applicant's marks on the disputed EPE included a 3 in professional/specialty knowledge; a 2 in quality of work; a 3 in developing subordinates; and a 3 in military bearing. He asked to have his marks raised to 5 in knowledge; 5 in quality of work; 4 in developing subordinates; and 5 in military bearing.

The applicant's group commander said that his professional knowledge (expertise in welding), was "very basic" or "poor." He conceded that the quality of the applicant's work was "satisfactory" and that his mark for the quality of work should be raised from a 2 to a 4. The commander stated, however, that the applicant was not qualified to be advanced to chief petty officer. The commander said the applicant had no subordinates, so a 3 in developing subordinates was appropriate, and his failure to get haircuts made a 3 in military bearing appropriate. According to the applicant, it is a "fallacy" that the command knew his "welding skills were lacking" because if they had they would have gotten him "proper training . . . to become proficient."

The applicant alleged that these "are very slanderous accusations without documentation to support them." He said that "the TRUTH and the FACTS are OVERWHELMINGLY in [his] favor."

Views of the Coast Guard

The Coast Guard concluded that applicant "had a more favorable view of his own performance than did those responsible for evaluating him under Coast Guard regulations." Accordingly, the Service recommended that relief not be granted.

The Personnel Command said that the applicant appealed his marks to the Seventh District Commander and as a result of that appeal his mark for "quality of work" was upgraded from a 2 to a 4. The remainder of his appeal was denied. The Command found that the Seventh District "properly and thoroughly reviewed the appeal request."

SUMMARY OF RECORD

The applicant's record contained copies of three earlier enlisted evaluation performance reports. Each of them contained higher marks with respect to his specialty knowledge, quality of work, development of subordinates, and military bearing.

On May 8, 1992, the applicant received a page 7 entry counseling him on misuse of a government vehicle and reckless driving.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions and military record of the applicant, the submissions of the Coast Guard, and applicable law:

1. The Board has jurisdiction of the case pursuant to section 1552 of title 10, United States Code. The application is timely.

2. The applicant received a semi-annual evaluation of his performance as a petty officer for the period ending May 31, 1995. For that report, he had three marks of 2 and one mark of 3. For the three preceding performance reports, he had no 2s and no 3s.

3. The fact that the applicant had no 2s and no 3s on three previous evaluation reports does not by itself mean that the marks were in error or unjust.

4. The applicant has not established that there was any error or injustice in the disputed report.

5. The applicant has not established by a preponderance of the evidence that the Coast Guard committed any error or injustice with respect to his disputed enlisted evaluation report. Accordingly, the application should be denied.

ORDER

The application of
of his military record is denied.

, USCG, for correction

