


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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-014


LT (O-3), Retired

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 December 12, 2023, 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 February 6, 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

The applicant, an honorably retired Lieutenant (LT/O-3) with more than thirty years of total service, asks the Board to correct his Coast Guard military record to reflect that he was awarded the Intelligence Professional (IP) Insignia. He claims that he has provided evidence from his record and was conferred the award already based on his qualifying service while on active duty, and that his record should reflect the award.

SUMMARY OF THE RECORD

The applicant retired from the Coast Guard with more than thirty years of total service on June 30, 2006.

No evidence was submitted by the applicant of any military or civilian service beyond that date would qualify him to receive the IP Insignia.

On November 6, 2023, he was presented a certificate that states that he met the qualification criteria of a "designated Honorary Intelligence Professional."

VIEWS OF THE COAST GUARD

On October 28, 2024, a Judge Advocate (JA) 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 PSC.

The JA argued that the applicant was not eligible for the award of the IP insignia because he was not in Coast Guard when the award was established. While the initial announcement of the award through ALCOAST 224-23 on June 16, 2023 stated that instructions for retroactive award would be announced in the near future, no such instructions have yet been issued. COMDTINST 1200.3, which formally implements the IP, lists only active duty, reserve, and civilian employees as being eligible and makes no provision for retroactive award of the IP to retired or separated personnel.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

The applicant was provided the Coast Guard Advisory Opinion, but did not provide a response.

APPLICABLE LAW AND POLICY

COMDTINST 1200.3 (Sept. 11, 2023) establishes Coast Guard policy for the award of the IP Insignia. Paragraph 11 states as follows:

ELIGIBILITY. Enlisted members (E-4 and above) and Officers of the Coast Guard and Coast Guard Reserve, and Coast Guard civilian employees who meet the criteria outlined in this Instruction may be awarded the Intelligence Professional Insignia.

Paragraph 13 lists the conditions for permanent entitlement to the IP Insignia:

CRITERIA FOR PERMANENT ENTITLEMENT. Eligible personnel are authorized for permanent wear when they meet the following conditions:

- a. Possess the Temporary Intelligence Professional Insignia.
- b. Obtain the INTCORE Competency at the Master level.
- c. Possess a current IFPC, as defined by USD (I&S). The IFPC must be renewed every three years after the date of certification to be considered current.
- d. Certified by an issuing authority.

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. The application was timely 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).

2. The Board may correct any military record of the Coast Guard when necessary to correct an error or remove an injustice.¹ Error means either legal or factual error.² Injustice, when not also error, is treatment by the military authorities that shocks the sense of justice but is not technically illegal.³ 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 record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.⁴ 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."⁵

3. In this case, the applicant has not presented sufficient evidence that he has met the criteria for award of the IP insignia. The lone piece of evidence he supplied with his application was a certificate purporting to certify him as an "Honorary Intelligence Professional." This does not appear to satisfy any of the four criteria listed in the applicable COMDTINST for award of the IP Insignia.

4. Furthermore, the applicant does not meet the eligibility requirements for this award. While it is factually possible that he is a civilian employee (although this is not addressed in the record), he is a retiree and not an active duty or reserve Coast Guardsman. Thus, it appears that his request for this award is retroactive and based on his record while on active duty. The Board agrees with the Coast Guard that their governing COMDTINST makes no provision for retroactive award of the IP Insignia to former active or reserve members. If the applicant believes he is entitled to this award based on civilian service performed after his retirement, he should inquire with his supervisor and/or servicing human resources office. While the IP Insignia is available to award to civilian employees, it is outside the scope of this Board's mandate to correct civilian personnel records.

¹ 10 U.S.C. § 1552(a); 33 C.F.R. § 52.2(a).

² *Sawyer v. United States*, 18 Cl.Ct. 860, 868 (1989), *rev'd on other grounds*, 930 F.2d 1577 (Fed.Cir.1991).

³ *Id.*

⁴ 33 C.F.R. § 52.24(b).

⁵ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

5. For the above reasons, the applicants request for relief should be denied.

ORDER

The application of Lieutenant (ret.) [REDACTED] is denied.

February 6, 2025

