

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2017-160

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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 May 11, 2017, and assigned it to staff attorney ██████████ to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated August 3, 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

The applicant, a former Lieutenant Commander (LCDR) who retired on June 1, 2016, asked the Board to correct his record by taking the following actions:

- Remove documents that make any mention of allegations of sexual harassment or maltreatment;
- Remove a special Officer Evaluation Report (SOER);
- Remove any reference to non-judicial punishment (NJP) and a Punitive Letter of Reprimand;
- Backdate his date or rank “if selected for promotion by the first selection board to review his record as corrected by the Board”;¹
- Award back pay and allowances;
- Remove five failures of selection for promotion to Commander;
- Grant any other relief that may “be just and proper.”

The applicant stated, through counsel, that his request is based on “the presence of inflammatory material that was not authorized to be reviewed by any promotion board.” He stated that he received an SOER on July 14, 2011, which is dated July 8, 2011. The applicant stated that the

¹ The applicant did not specifically request a Special Selection Board (SSB), but the Board will assume that this request was meant to include a request for an SSB to consider him for promotion.

Letter of Reprimand is dated July 19, 2011. He asserted that the SOER states that the applicant received the NJP on July 8, 2011, and the punishment was that he would receive a Punitive Letter of Reprimand. The applicant responded to this [REDACTED] was reviewed on September 9, 2011. The SOER was reviewed on August 5, 2011, but the applicant argued that the NJP was not “final” at that time.²

The applicant asserted that his record contains a document “confusingly named” a Court Memorandum (the NJP). Promotion boards are permitted to view all OERs and Punitive Letters of Reprimand, but the applicant stated that they cannot view a “Direct Access Disciplinary Report.” He claimed that while a Court Memorandum can be reviewed by a promotion board, the Form 3304 (Court Memorandum) “has been rendered obsolete.” He stated that the Direct Access Disciplinary Report was not a Form 3304. Instead, he argued, the Direct Access document is “a dramatically abbreviated version of the allegation, but reads as if those were the findings.” The applicant claimed that they were not the findings and that the document is misleading. He also stated that there is no official record of the NJP in his record. He argued that there is therefore “no document within the set of records allowable to be within [his records] that contains only appropriate information for the [selection board] to review.”

The applicant argued that the SOER was erroneously filed because it did not meet the requirements of the Officer Accessions, Evaluations, and Promotions Manual, Article 5.A.3.c.(1)(b), which states:

A special OER is ... required when an officer receives non-judicial punishment which is not subject to appeal or when the final reviewing authority’s action on an investigation includes direction that a Special OER shall be prepared because the evidence established that the officer was criminally culpable.

The applicant asserted that the SOER was filed months before the final reviewing authority’s action and while the NJP was still subject to appeal. Second, the applicant “was informed of an improper (USCG Commandant) appeal authority and, therefore, never had a right to a meaningful appeal of the NJP.” He argued that the NJP could never be considered final given this deficiency.³

Regarding the timing of his application, the applicant stated that “these deficiencies were only identified after a review pursuant to [his] impending retirement.” Despite the fact that the alleged deficiencies existed from 2011 to the present, the applicant asserted that the “failure of the Coast Guard to circumvent the appeal process for the Non Judicial Punishment and the resultant rush to submit the Special OER could not be known without a detailed study of the personnel records.” He argued that it is in the interest of justice to consider his claims because of the Coast Guard’s lack of transparency in their dealings with him.

² He did not explain how the NJP was not “final.”

³ The applicant cited to the Military Justice Manual, Article 1.F.2.a, Attachment 3.

SUMMARY OF THE RECORD

The applicant was commissioned on [REDACTED], upon graduating the Coast Guard Academy. His record contained no negative documentation until the incidents at issue here. The applicant was assigned as the Executive Officer aboard a ship at the time of the following incidents.

On May 20, 2011, the Area Chief of Staff assigned the Commanding Officer (CO) of the cutter to conduct a standard investigation to “inquire into all of the circumstances surrounding the potential failure to obey lawful orders” by the applicant.

The applicant was interviewed by the CO on May 25, 2011. He was informed of the allegations against him and of his rights in writing and verbally. The applicant indicated that he did not wish to consult an attorney and that he would answer questions. He signed the document on the same date.

The investigation concerned allegations that the applicant had sexually assaulted a Seaman. The CO interviewed twenty-five people including the applicant, and made thirty-seven findings of fact regarding the Seaman’s allegations of sexual harassment against her, an incident when the applicant exposed his buttocks to a closed-circuit camera, rumors that the applicant had committed adultery by taking a local woman to his hotel room at a port of call, and many inappropriate comments made by the applicant. The CO recommended that the applicant be taken to mast for violating Articles 133, 134, and 120(n) of the Uniform Code of Military Justice (UCMJ), be removed from his position as Executive Officer and re-assigned, receive remarks on his next OER indicating that he “demonstrated a pattern of unacceptable behavior,” and receive an Administrative Letter of Reprimand.⁴ The CO also completed a Report of Offense and Disposition, CG-4910, listing the following offenses:

- UCMJ Article 93 – Maltreatment: On or about November 25 and 26, 2010, at a port of call, the applicant maltreated by sexual harassment a Seaman, a “person subject to his orders by making repeated unwanted sexual advances” towards her.
- UCMJ Article 133 – Conduct Unbecoming an Officer:
 - Specification One: In February 2010, the applicant wrongfully exposed his buttocks to a security camera on the ship in public view.
 - Specification Two: The applicant wrongly killed a bird on the fantail of the ship by striking it with a baseball bat.
 - Specification Three: Between August 2010 and June 2011, the applicant created a hostile work environment with repeated inappropriate actions and comments “with regard to gender, race, and sexual orientation.”
 - Specification Four: Between August 2010 and June 2011, the applicant used inappropriate language to Coast Guard personnel.

⁴ Although Punitive Letters of Reprimand are entered in an officer’s military record, Administrative Letters of Reprimand are not. Military Justice Manual, Article 1.G.1.d.; Personnel Manual, Article 8.E.

On June 15, 2011, the list of individuals who would be considered for promotion by the PY 2012 Commander selection board was released. The applicant's name was on this list.

On June 20, 2011, the Area Chief of Staff recommended that the charges against the applicant be disposed of at a Flag Mast. By signature, the applicant acknowledged the charges against him and had a representative appointed for him.

On June 28, 2011, the applicant and a witness signed an Acknowledgement of Rights at mast. Among other things, he acknowledged being "advised that adverse results of nonjudicial punishment ... [would] become part of [his] military record." In addition, if NJP was imposed, he would "have the right to appeal to the superior authority within 5 calendar days of the imposition of such punishment."

On July 8, 2011, the applicant received NJP at a Flag Mast conducted by the Area Commander after being charged with Articles 93 (Maltreatment) and 133 (Conduct Unbecoming an Officer). The result was documented on a Court Memorandum dated July 15, 2011. The Court Memorandum provides the date of the mast, the pay grade of the officer conducting the mast, and the fact that the applicant was issued a written reprimand as punishment for violating Article 133. The offense narrative states:

In that, [applicant] did on 25 and 26 NOV 2010, did maltreat by sexual harassment [SN], by making repeated unwanted sexual advances. ART 133 – CONDUCT UNBECOMING AN OFFICER: SPEC 1: In that, [applicant], in February 2010, did wrongfully expose his buttocks to the security camera and public view while aboard [SHIP], in the laundry room.

SPEC 2: In that [applicant], onboard [SHIP], in 2010, wrongfully killed a bird by striking it with a baseball bat while on the fantail of the [SHIP]. SPEC 3: In that [applicant], onboard [SHIP], between August 2010 and June 2011, create[d] a hostile work environment by repeated inappropriate actions and comments with regard to gender, race, and sexual orientation. SPEC 4: In that [applicant], on divers occasions between August 2010 and June 2011 use[d] inappropriate language to [SHIP] crew.

On July 19, 2011, the applicant received the Punitive Letter of Reprimand for his conduct between February 2010 and June 2011. It states that the applicant had committed the specified offenses regarding wrongfully exposing his buttocks, creating a hostile work environment, and using inappropriate language. The letter also reminded the applicant of his right to appeal the NJP "to Commandant, U.S. Coast Guard in accordance with Section 1.F. of [the Military Justice Manual]."

There is no "Appeal of Imposition of Nonjudicial Punishment" memorandum in the record before the Board.

The PY 2012 Commander selection board convened on July 26, 2011. The applicant was not selected for promotion.

As a result of the NJP, the applicant received a disciplinary SOER from his rating chain. Block 2 describes the applicant's duties and states that this "OER is submitted under Article 10.A.3.c.1.b. due to NJP on 08JUL11 for violation of UCMJ Article 133 – Conduct Unbecoming

an Officer. Awarded a Punitive Letter of Reprimand.” The Punitive Letter of Reprimand was an attachment to the OER. In the eighteen performance categories, he received thirteen marks of “N/O” for Not Observed.” He received five low marks of 2 (on a scale of 1 to 7) in speaking & listening, workplace climate, judgment, responsibility, and professional presence. He received a mark in the second spot on the comparison scale, indicating a “marginal performer, limited potential.” A comment attached to the SOER states that the applicant was counseled but he refused to sign. The SOER was signed by the Supervisor and Reporting Officer on August 4, 2011, and by the Reporting Officer on August 5, 2011, but it was not entered in the applicant’s record until September 13, 2011.

Because the SOER was derogatory, the applicant was allowed to submit an addendum to it. The applicant addressed the addendum to the Area Commander who had imposed the NJP, and the subject line is “Punitive Letter of Reprimand.” He “acknowledge[d] receipt” of the letter but disputed many of the facts in it. He asserted that he was wearing underwear when he exposed himself to the camera, he disputed the dates of the conduct, and he denied that he had committed sexual harassment or created a hostile work environment. The applicant’s memorandum was initialed by the Area Commander on September 9, 2011, and it was entered in his record with the SOER on September 13, 2011.

On September 6, 2011, the Area Command notified Commandant of the outcome of the report of harassment in accordance with the Civil Rights Manual. The memorandum states that following an investigation, the applicant was punished at Flag Mast by the Area Commander for violating Article 133 of the UCMJ and awarded a Punitive Letter of Reprimand.

Thereafter, the applicant was repeatedly non-selected for promotion, but he was continued on active duty until he attained 20 years of service and was able to retire.

VIEWS OF THE COAST GUARD

On November 2, 2017, the Judge Advocate General of the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case. In doing so, he adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC stated that the application is timely and therefore should be considered on the merits. PSC noted that the applicant did not submit an application to the Personnel Records Review Board (PRRB) as authorized for members to seek correction of entries in their records within one year of the alleged error. According to COMDTINST M1410.2, promotion boards are only able to see records dealing with the performance of officers, including performance data sets, Court Memoranda (CG-3304), punitive letters, and OERs.⁵

In response to the applicant’s claim that he was informed of an improper NJP appeal authority, PSC stated that the Military Justice Manual was available to him and that as the unit’s Executive Officer, he “should have been more than aware of the manual’s existence.” PSC stated that the SOER was not finalized and added to the applicant’s record until September 13, 2011, four

⁵ COMDTINST M1410.2, Documents Viewed by Coast Guard Officer Promotion and Special Boards.

days after his reply was reviewed. PSC stated that the PY 2012 Commander selection board, which convened on July 26, 2011, therefore would not have had access to any of the contested documents. However, all four of the subsequent selection boards from 2012 through 2016 would have seen the applicant's regular OERs, the SOER, the Court Memorandum, and the Punitive Letter of Reprimand. PSC recommended that the Board deny relief because the applicant failed to provide evidence to support his claims that improper processes were followed during the execution and completion of the NJP or during any of the Commander selection board processes.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On November 16, 2017, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The applicant's attorney requested extensions in order to submit a response. As of the last extension, a response was due by June 15, 2018. No response was received.

APPLICABLE REGULATIONS

The Officer Accessions, Evaluations, and Promotions Manual was not in effect until October 1, 2011. The Personnel Manual was still in effect during the events at issue here. Article 8.E.2. of the Personnel Manual states that punitive letters resulting from NJP are forwarded to the Personnel Command and held until the appeal period has passed and then entered in the officer's record. If the officer appeals the NJP and the NJP is upheld, the letter is entered in the officer's Headquarters record. If the appeal is granted, the letter is not entered in the record. Article 8.E.3. states that a Court Memorandum memorializing an NJP or court-martial conviction is entered in the member's official record.

Article 10.A.3.c.1.b. of the Personnel Manual states that a special OER is "required when an officer receives non-judicial punishment which is not subject to appeal or when the final reviewing authority's action on an investigation includes direction that a Special OER shall be prepared because the evidence established that the officer was criminally culpable." Article 10.A.4.h. states that any OER that "[d]ocuments adverse performance or conduct which results in the removal of a member from his or her primary position" is considered derogatory and so the officer may file an addendum to be attached to the OER in his record within 14 days.

Article 1.B.1.b. of the Military Justice Manual, COMDTINST M5810.1E, states that "[c]ompletion of a Report of Offense and Disposition, (CG-4910) (often called a "booking" or "report" chit) is often the first step in the NJP process." Article 1.B.1.c. states that anyone, including the investigating officer, may submit a CG-4910. Article 1.D.9. states that if all offenses are dismissed at mast, no entry is made in the member's record. Article 1.D.15. states that "[i]f the commanding officer determines, based on a preponderance of the evidence, that the member committed one or more offenses, the commanding officer should announce, in layman's terms, what offenses the member committed." Article 1.E.2.a. states that the punishment awarded an officer at mast may include a punitive letter of reprimand or censure that is entered in his record unless an appeal is sustained.

Article 1.F.1. of the Military Justice Manual states that a member may appeal an NJP within five calendar days and should submit it to a member of his chain of command. Article 1.F.4. states that an appeal is first reviewed by the officer who imposed the NJP. This officer may grant or deny the appeal, and if the appeal is denied, the officer forwards the appeal to the next superior commanding officer, who has authority to take final action on the appeal. Article 1.F.2. lists the superior appeal authorities and provides that the Assistant Commandant for Human Resources is the appeal authority for NJP imposed by an Area Commander. Article 1.G.5.u. notes that the imposition of NJP on an officer requires a SOER.

According to Documents Viewed by Coast Guard Officer Promotion and Special Boards, COMDTINST 1410.2, “Coast Guard officers are responsible for their career development and maintenance of their records ... and it is critical that every officer manages the contents of the record and data in various human resource management systems such as Direct Access.” Section 7 outlines what matters promotion boards may view. Regarding active duty officer promotion boards, Section 7.b. states that promotion boards are restricted to record entries “dealing with performance as an officer.” Enclosure One to this instruction lists the documents and data sets that may be viewed by a promotion board.. The Form CG-3304, “Court Memorandum,” is the first form listed. Also included are all officer evaluations and punitive letters.

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 was timely.⁶
2. 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.⁷
3. The applicant alleged that his disciplinary SOER dated July 8, 2011, should be expunged because it is erroneous and unjust. He also asked the Board to remove all documents pertaining to allegations of sexual harassment and the NJP. When considering allegations of error and injustice, the Board begins its analysis by presuming that the applicant’s military record is correct and fair, and the applicant bears the burden of proving by a preponderance of the evidence that it is erroneous or unjust.⁸ Absent specific evidence to the contrary, the Board presumes that the members of an applicant’s rating chain have acted “correctly, lawfully, and in good faith” in preparing their evaluations.⁹ In addition, to be entitled to correction of an OER, an applicant

⁶ *Detweiler v. Pena*, 38 F.3d 591, 598 (D.C. Cir. 1994) (holding that, under § 205 of the Soldiers’ and Sailors’ Civil Relief Act of 1940, the BCMR’s three-year limitations period under 10 U.S.C. § 1552(b) is tolled during a member’s active duty service).

⁷ *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).

⁸ 33 C.F.R. § 52.24(b).

⁹ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

cannot “merely allege or prove that an [OER] seems inaccurate, incomplete or subjective in some sense,” but must prove that the disputed OER was adversely affected by a “misstatement of significant hard fact,” factors “which had no b[REDACTED] in the rating process,” or a prejudicial violation of a statute or regulation.¹⁰

4. The applicant asked that all documentation surrounding the allegations of sexual harassment, including the Court Memorandum documenting his NJP and the Punitive Letter of Reprimand, be removed from his record. For the reasons stated below, the Board finds that there are no grounds for removing the NJP and that the applicant has not proven by a preponderance of the evidence that either the Court Memorandum documenting the NJP or the Punitive Letter of Reprimand is erroneous or unjust.

- a) The applicant has submitted no evidence showing that the NJP was unwarranted other than his own, unsupported claims. The evidence gathered by the CO during the investigation amply supports the Area Commander’s finding at Flag Mast that the applicant had committed the offenses shown on the Court Memorandum documenting the NJP and described in the Punitive Letter of Reprimand. In accordance with Articles 8.E.2. and 8.E.3. of the Personnel Manual then in effect, the Court Memorandum memorializing the NJP and the Punitive Letter of Reprimand were properly entered in the applicant’s record.
- b) The applicant has not proven by a preponderance of the evidence that the NJP should be removed based on the alleged lack of a meaningful opportunity to appeal. The applicant relied on the fact that the Punitive Letter of Reprimand states that he could appeal “to Commandant, U.S. Coast Guard in accordance with Section 1.F. of [the Military Justice Manual],” while Article 1.F.2. of that manual states that the appeal authority for NJP imposed by an Area Commander is the Assistant Commandant for Human Resources. However, NJP appeals are forwarded up an officer’s chain of command and, in accordance with Article 1.F.4. of the manual, they are first reviewed by the officer who imposed the NJP, who may grant or deny the appeal. As the XO of a large cutter, the applicant clearly knew this and could have submitted an appeal to his CO or the Area Commander who imposed the NJP; it was his job to oversee such administrative matters and to be familiar with the NJP appeal procedures in Article 1.F. of the Military Justice Manual. Therefore, the Board is not persuaded that the wording of the Punitive Letter of Reprimand actually misled the applicant regarding NJP appeal procedures or about who would take final action on an appeal if he properly submitted one through his chain of command.
- c) The applicant has not proven by a preponderance of the evidence that the Court Memorandum in his record is inaccurate or that the selection boards viewed it improperly. He stated that although COMDTINST 1410.2 allows the Court Memorandum (CG-3304) to be viewed by a selection board, that form “has been rendered obsolete,” and the Court Memorandum in his record is actually a print-out from the Direct Access database, which is confusingly titled “Court Memorandum.” Therefore, he argued,

¹⁰ *Hary v. United States*, 618 F.2d 704, 708 (Ct. Cl. 1980), cited in *Lindsay v. United States*, 295 F.3d 1252, 1259 (Fed. Cir. 2002).

because the Court Memorandum documenting his NJP is not in the obsolete format CG-3304 and is instead in the currently authorized format from the database, which is not numbered CG-3304, the select [REDACTED] would not have been allowed to see it. He also claimed that the information on the Court Memorandum is paraphrased from the Area Commander's findings at mast and so is misleading. The Board disagrees. The fact that a Court Memorandum is no longer numbered CG-3304 and is instead a print-out from a form filled out in Direct Access is not grounds for removing the Court Memorandum from the applicant's record or for finding that the selection boards viewed it improperly. The Court Memorandum form that is now provided through Direct Access contains the same entries as the old paper form numbered CG-3304. Nor has the applicant proven that the Court Memorandum in his record inaccurately reflects the findings of the Area Commander at Flag Mast. Article 1.D.15. of the Military Justice Manual states that "[i]f the commanding officer determines, based on a preponderance of the evidence, that the member committed one or more offenses, the commanding officer should announce, *in layman's terms*, what offenses the member committed." (Emphasis added.) Therefore, the fact that the wording on the Court Memorandum is not identical to the wording of the specifications on the CG-4910 filled out by his CO before the mast is not evidence that the Court Memorandum inaccurately reflects the Area Commander's findings regarding the offenses.

5. The applicant asked the Board to remove the disciplinary SOER from his record. As explained below, the Board finds that the applicant has not proven by a preponderance of the evidence that the SOER is erroneous or unjust:

- a) The applicant has not proven by a preponderance of the evidence that the NJP was not final when the SOER was entered in his record on September 13, 2011. The applicant did not explain why he believes it was not final, and an NJP becomes final and may be entered in a member's record when the five-day appeal period has passed if no appeal was submitted.¹¹ The applicant received the Punitive Letter of Reprimand on July 19, 2011, and he has not shown or even claimed that he timely appealed it. He claimed that he "responded" to the Punitive Letter of Reprimand, but a response is not necessarily a timely appeal. The memorandum he calls his "response" was undated and attached as an addendum to the SOER. Therefore, it was presumably submitted within 14 days after he was shown the SOER on August 8, 2011,¹² which was almost three weeks after he received the Punitive Letter of Reprimand. The Board finds that the applicant has not proven by a preponderance of the evidence that he timely submitted an appeal of the NJP after receiving the Punitive Letter of Reprimand on July 19, 2011. Therefore, the NJP was final when the rating chain signed the OER in August 2011 and when it was entered in his record on September 13, 2011.
- b) The applicant has not proven by a preponderance of the evidence that the SOER was erroneously prepared. He claimed that by signing the SOER in August 2011, his rating chain violated Article 10.A.3.c.1.b. of the Personnel Manual, which states than an SOER "is required" when an officer has received NJP and it is no longer subject to

¹¹ Personnel Manual, Article 8.E.2.

¹² Personnel Manual, Article 10.A.4 h.2.c.

appeal. However, the Article does not prescribe when the rating chain should draft and sign the SOER; it just states that one is required when the NJP is no longer subject to appeal. The record shows that the SOER was not entered in the applicant's record until September 13, 2011, and the applicant has submitted no evidence showing that the NJP was still subject to appeal on that date. Even if he had proven by a preponderance of the evidence that the NJP was still subject to appeal on September 13, 2011, he has not shown that the SOER was not required to be in his record once the NJP was no longer subject to appeal in accordance with Article 10.A.3.c.1.b.

- c) The applicant has not proven by a preponderance of the evidence that the SOER was adversely affected by "misstatement of significant hard fact," factors "which had no business being in the rating process," or a prejudicial violation of a statute or regulation in his record.¹³ Therefore, the Board finds no grounds for removing the SOER from the applicant's record.

6. The applicant argued that his five non-selections for promotion to Commander should be removed from his record and that he should be retroactively promoted with back pay and allowances because there was no proper documentation of the NJP in his record. However, he has not proven by a preponderance of the evidence that the Court Memorandum, Punitive Letter of Reprimand, or SOER in his record are erroneous or unjust. Therefore, the Board finds that the applicant has failed to prove by a preponderance of the evidence that his record contained a material error when it was reviewed by the Commander promotion boards that did not select him for promotion. As the Coast Guard mentioned, when he was first considered and non-selected for promotion in 2011, the documentation of his NJP had not yet been entered into his record, but it was entered in his record before the other four promotion boards convened. Because the applicant has not shown that his record contained a material error when it was presented to the promotion boards, the applicant is not entitled to an SSB.¹⁴

7. Accordingly, the applicant's requests for relief should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

¹³ *Hary v. United States*, 618 F.2d 704, 708 (Ct. Cl. 1980), cited in *Lindsay v. United States*, 295 F.3d 1252, 1259 (Fed. Cir. 2002).

¹⁴ 14 U.S.C. § 263.

ORDER

The application of former [REDACTED] USCG, for correction of his military record is denied.

August 3, 2018

