

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
Coast Guard Record of:



BCMR Docket
No. 19-97

FINAL DECISION



This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on November 15, 1996, by the filing of an application for relief with the BCMR.

The final decision, dated December 5, 1997, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant asked the BCMR to correct his record by removing officer evaluation reports (OERs) for the periods June 1, 1992 to April 30, 1993 and from May 1, 1993 to May 27, 1994 and by replacing each of them with a revised OER for that same period.¹ He also asked that his professional engineer license be placed in his record. The applicant asked that his name be placed on the 1995 selection board list for promotion to commander (CDR) in the position it would have appeared if he had been selected by that board.

The applicant failed of selection for promotion to CDR in 1995, 1996, and 1997. He did not ask for removal of these failures but for promotion to CDR.

On October 21, 1997, the Board received the views of the Coast Guard recommending that the applicant be granted no relief.

On November 7, 1997, the Board received the applicant's rebuttal to the views of the Coast Guard. The applicant argued for relief. On December 2, 1997, the BCMR received an additional statement from the applicant in response to the views of the Coast Guard.

¹ The applicant submitted the revised OERs that he wants substituted for the disputed OERs.

EXCERPTS FROM RECORD AND SUBMISSIONS

Applicant's Allegations

At the time the applicant filed his application with the Board he had failed of selection for promotion before the 1995 and 1996 CDR selection boards. He alleged that certain information was missing from his record when it was considered by these two selection boards and that this omission caused his failures of selection for promotion to CDR. He claimed that the disputed OERs did not contain a recommendation for promotion in block 11 and that his professional engineer license and education summary documents were not in his record when it was considered by the selection board in 1995.

The applicant outlined his career for the Board, listing his education and employment history. After failing of selection for the second time in 1996, the applicant stated that he asked two senior Coast Guard officers to review his record and give him their opinions as to the reasons he was not selected for promotion to CDR. Both of these senior officers had served on selection boards.

According to the applicant, both of these officers stated that he had a strong performance record with high evaluations in professionalism, leadership, and challenging positions. (These officers did not provide the Board with written statements.) The applicant stated that these officers expressed concern that the comments in block 11 did not clearly address his potential for greater responsibility, particularly potential to assume the duties of the next grade. The officers stated that selection board members expected to see the specific words "Recommended for Promotion." The officers stated that the absence of a promotion recommendation from block 11 would be considered a subtle recommendation against promotion.

The applicant asserted that the Coast Guard strongly encourages promotion recommendations. He stated that a Coast Guard message, ALCGOFF 031/95, addressed block 11 comments. This message stated that "promotion recommendations are not mandatory, but strongly encouraged for officers going before a promotion board." The message continued that "for newly promoted officers, recommendations for promotion potential are equally important."

The applicant argued that today promotion recommendations are included in practically every OER. He further asserted that promotion boards are made up of officers from all over the Coast Guard. Some of these officers may not have much experience in writing OERs and are predisposed to look for a specific promotion recommendation in block 11. With respect to the importance of a promotion recommendation in an OER, the applicant stated the following:

[T]he recent widespread practice of including recommendations for promotion in all OERs, along with the lack of time for the promotion boards and their focus on Block 11, has created an

unauthorized and unfair policy making recommendations for promotion mandatory for officers seeking advancement.

The impact of an OER lacking comment in block 11 on promotion potential is very damaging. The unfortunate result is that an older OER dating back a few years which otherwise contains evaluations, reflecting substantial duties with outstanding performance, leadership, and professionalism ratings, will be glossed over and "red flagged" due to the lack of the words "recommended for promotion" anywhere in block 11.

The applicant submitted draft revised OERs to be substituted for the disputed OERs. The revised OERs are the same in content, except that the first revised OER includes the comment "Recommended for promotion with his peers" in block 11 and the second disputed OER includes the comment "strongly recommended for promotion" in that block.

Concerning his professional engineer license, the applicant stated that such an achievement is the zenith of academic and professional advancement for an engineer. He stated that few engineers take and pass the exam and receive their license. The applicant stated that in August 1996, he was told by a clerk in the Officer Personnel Division at Coast Guard Headquarters that professional engineer licenses were not permitted in the record. This same individual, according to the applicant, stated that the summary of education was permissible and must have been inadvertently removed from the record.

The applicant stated that after his conversation with the clerk, he was told by a senior chief yeoman in the Officer Personnel Division that "nothing in the pertinent directive precluded a professional engineer's license from being attached to a form CG-4082 [officer education record] for inclusion in the record."

In concluding this statement to the board, the applicant stated that the omissions from his record "resulted in [his] record being incomplete and unfair compared to the other candidates being considered and resulted in [the applicant] being denied promotion to [CDR]."

Statement Submitted by the Applicant

The applicant submitted three statements, one from the reviewer for the two disputed OERs and one from each of the reporting officers on the disputed OERs.

The reporting officer for the first disputed OER stated that "without a doubt, [the applicant] was an exceptionally strong [LCDR] even in his first year in that grade." He further stated that the applicant was mature, foresighted, dedicated, and that he successfully performed each of his tasks. With respect to the lack of a promotion

recommendation in block 11 of the first disputed OER, this former reporting officer wrote:

If the current trend at promotion boards is to make negative assumptions about the comments in block 11 in order to make selection possible, which I believe that trend exists, then something must be done to eliminate this bias against superior performers whose Reporting Officers followed the policies as they existed three years ago. I do not think it is realistic to believe that the mindset of these officers on the promotion boards can be changed. Therefore, I most strongly and sincerely endorse [the applicant's] request to amend the OER I wrote with the simple, unequivocal statement, [r]ecommended for [p]romotion [w]ith [h]is [p]eers. I feel that this recommendation would have indicated that he had potential for promotion as soon as eligible. I further recommend that the Board exercise its fullest authority to rectify the negative impact to [the applicant's] career that this unfortunate situation has created.

The reporting officer for the second disputed OER wrote that he found the applicant to be enthusiastic, energetic, and highly skilled at his tasks. This reporting officer stated that the applicant was awarded the Coast Guard Commendation medal.

This former reporting officer further stated the following:

At the time I prepared [the second disputed OER], there was no requirement or suggestion that specific words recommending promotion be included and I was not in the habit of doing so, relying rather on the other remarks in . . . block [11] and the mark in block 12 to address promotion potential. This may now be misinterpreted as an intentional non-recommendation on my part. If given the chance, I would readily clarify my opinion of [the applicant] by adding the words, "[s]trongly recommended for promotion."

The reviewer for the two disputed OERs also submitted a statement. The reviewer stated that he knew the applicant well and that the consistent high quality of the applicant's work impressed him. The reviewer stated that he was surprised that the applicant had not been selected for CDR. He stated that he could only assume that the applicant's non-selection resulted from a failure of the members of his rating chain to describe his performance relative to his peers and his readiness for promotion.

The reviewing officer further stated as follows:

I ensured that the two OERs in question were administratively correct, and portrayed [the applicant's] performance accurately. I believe they did when read in their entirety. In retrospect, if taken out of context, as promotion boards will do when scanning records, the block 11 comments do not convey a fully accurate picture of [the applicant's] performance. I

have no doubt that [the applicant] was ready for promotion to [CDR] and I fully endorse his efforts to ensure his record conveys that fact. [Emphasis in original.]

On September 2, 1997, the Board received additional submissions from the applicant. Included in this submission were the applicant's most recent OER, a letter of appreciation from a general, and a copy of the applicant's correspondence to the CDR selection board.

The applicant's most recent OER, contains mostly 6s and 7s with two 5s. The letter from the general commended the applicant on outstanding performance as the U.S. Coast Guard Liaison Officer and Role Player while assigned to the Joint Exercise Control Group during the Unified Endeavor exercise. The correspondence to the selection board included a resume of the applicant's Coast Guard assignments, and very complimentary recommendations from the Commanding Officer, Command and Control Engineering Center and Commandant (G-S).

The applicant also submitted a message from Headquarters announcing the 1997 selectees for promotion to Captain. The applicant highlighted that portion of the message that states that "DOCUMENTED SUSTAINED HIGH PERFORMANCE IS THE BEST WAY TO REMAIN COMPETITIVE FOR PROMOTION." [Capital lettering in original.]

Analysis of the Disputed OERs

The applicant received an average grade of 5.95 on the first disputed OER. He received twenty 6s and one 5. He was rated as a distinguished performer, who should be given tough, challenging, visible leadership assignments (a mark of 5) in block 12 (comparison scale and distribution).

The reporting officer wrote in block 11, as follows:

[The applicant] has demonstrated strong leadership and sound judgment. Fully qualified and highly recommended for command ashore. Extensive technical education and practical background, particularly in computers & electronic systems, makes COMSTA [communication station] command an ideal choice. Extensive project, budget, contracting, & personnel management experience qualifies [the applicant] for XO ashore assignments, especially SUPRTCENs [support center] or research facilities. [The applicant] has a strong desire & great enthusiasm for assignments of greater responsibility in acquisition, engineering, & administration. [The applicant] would be an excellent choice for acquisition program manager.

The applicant's average grade on the second disputed OER was 5.91. He received twenty-one 6s and two 5s. He also received a 5 in block 12.

In block 11 the reporting officer wrote as follows:

During the period [the applicant] demonstrated a mastery of his several duties, strong leadership and sound judgment and enjoyed widespread respect in the district office and within the Auxiliary for his knowledge and skills. His extensive technical education and project, budget, contracting and personnel management experience will put him in good stead at his next assignment as [REDACTED] and will serve him well in assignments of greater responsibility in acquisition, engineering and administration. He aspires command responsibility and I fully support his endeavor.

The remainder of the applicant's LCDR OERs are as follows. For the period from May 28, 1994 to April 30, 1995, the applicant's average grade was 5.52, with a mark of 5 in block 12. On the OER for the period from May 1, 1995 to April 30, 1996, the applicant received an average grade of 5.82, with a mark of 6 in block 12. The reviewer for this OER attached comments strongly recommending the applicant for promotion to CDR.

Views of the Coast Guard

The Coast Guard recommended that no relief be granted to the applicant. The Service stated that the Personnel Manual encouraged reporting officers to provide a more complete picture of the reported-on officer by commenting on that officer's leadership and potential in section 11 of the OER. These comment should reflect the reporting officer's judgment regarding the reported-on officer's abilities to assume greater responsibility in a variety of areas, which may include duties of the next grade. The Coast Guard also stated that the reviewer may add comments to the OER, if necessary, to further address the performance and/or potential of the reported-on officer. The Coast Guard argued that the specific nature and extent of the block 11 comments were completely discretionary.

The Coast Guard asserted that the lack of promotion recommendations in section 11 of the disputed OERs were the result of conscious omissions by both reporting officers. The Coast Guard quoted the reporting officer for the first disputed OER as stating that it was not his "practice at that time [when he completed the OER] to recommend an officer for promotion when he isn't even eligible yet." (Emphasis in original.)

The Coast Guard stated that notwithstanding the absence of an explicit promotion recommendation, the reporting officer's comments indicate that the applicant had a strong potential for continued service in positions of greater responsibility. The Service stated that many of the applicant's assignment

recommendations were for commander level billets. Such recommendations could certainly be interpreted as an implicit recommendation for promotion.

The Coast Guard stated that the applicant's performance record has gone before two independent boards and he was twice non-selected among those officers considered best qualified for promotion. The Coast Guard stated that while the selection board deliberative process is known only to the membership of such boards, the applicant's record was probably given a high level of scrutiny by the selection board. The Service argued that any suggestion to the contrary by the rating chain for the disputed OERs is speculation.

Concerning the professional engineer certificate that was allegedly missing from the applicant's record, the Coast Guard stated as follows:

COMDTINST M1080.10C, Military Personnel Data Records (PDR) System, does not list certificates of accomplishments as a document to be included in the HQ PDR. . . . [T]he instructions for form CG-4082 [Officer Educational Record] which is allowed in the HQ PDR, specifies that only official transcripts are to be attached. . . . However, based on a review of the records of seven [LCDRs] who hold advanced engineering certifications, it is evident that certificates have been included in two of the records. Therefore, application of the policy have been inconsistent. Nonetheless, applicant's OERs repeatedly mentioned his pursuit and achievement of his PE certification. . . . It would be highly unlikely [that] selection board members reviewing [the applicant's] record could not have known applicant held this level of education. A certificate itself would not be required to substantiate the claims made in the OERs.

The Coast Guard admitted that the most recent officer education document was missing from the applicant's record. Of the 19 items listed on the missing education document, the Coast Guard stated that 13 of these items were included on a previous education document or listed elsewhere in the record. The service stated six of the 19 items were not in the record, and they were: (1) Associate Degree in Data Processing, [REDACTED] (2) Technical Project management [REDACTED] 1988 (1 week) (3) Basic Small Purchases, [REDACTED] 1991 (1 week) (4) Advanced Small Purchases, [REDACTED] 1991 (1 week) (5) Total Quality Leadership, US Navy (3 days) (6) Family Programs Training, D5 Worklife Team, 1995 (1 day). The Service stated that the officer education document has been added to the applicant's record.

The Coast Guard stated that it is likely that the board members considering the applicant's record would have found the training mentioned above as subsets of training, degrees, or certifications already included in the applicant's record. In the Coast Guard's opinion, this information would not have made a difference in the applicant's failure to be selected by the 1995 selection board.

The Coast Guard acknowledged that if the BCMR determined that the disputed OERs were in error or unjust, a nexus would exist between the absence of a recommendation for promotion and the applicant's failure to be selected for promotion to CDR. The Service stated that while the applicant's record would appear stronger if the promotion recommendations were to appear in the contested OERs, the applicant has not provided a basis for such relief. The Coast Guard stated further that if the Board were to find that it was error to omit the promotion recommendations from the challenged OERs, it would follow that the applicant has established the requisite nexus between the alleged errors and his non-selections. The Service stated that given the broadly discretionary nature of selection board decisions and the numerous factors that may be considered, such recommendations could have made a difference between selection and non-selection in the applicant's case.

Applicant's Response to the Views of the Coast Guard

The applicant argued that, contrary to the Coast Guard's claim, a promotion recommendation is required to be included in block 11. In support of his position, the applicant stated that Article 10-A-1a.(1) of the Personnel Manual states the first purpose of the officer evaluation system (OES) is to provide information upon which important personnel management decisions can be based. These personnel decisions include promotions, job assignments, and career development regarding individual officers. He further stated that the OER provides information to system users regarding an officer's "Potential for promotion and assignment of higher levels of responsibility." Article 10-A-4b, Personnel Manual. The applicant has interpreted these provisions as a mandate that the OER contain "a clear, complete description of the reported-on officer's potential for promotion."

The applicant argued that comments in block 11 that address assignments do not necessarily constitute comments on promotion. He also stated that comments about an officer's potential for command are comments on a special assignment and is not a recommendation for promotion.

The applicant argued that Article 14-A-3 of the Personnel Manual cites education as a key criterion in the promotion selection process. He stated that inclusion of educational achievements in an officer's records is a "positive discriminator" and should enhance the officer's potential before a selection board. The applicant further stated that the Personnel Manual specifically encourages professional growth and competency in areas outside operational assignments. Id.

The applicant stated that the Coast Guard misstated his request. He stated that he asked that the disputed OERs be replaced by amended OERs, as resubmitted by the original rating chain, to include required comments on promotion potential. The applicant stated the basis of his relief as the following:

Applicant believes that the absence of required comments on promotion potential in the contested OERs was erroneous. Given (1) the wide spread

practice by Reporting Officers of providing promotion recommendations and (2) the reliance thereon by Selection Board members in the deliberation process, absence of promotion recommendations was particularly notable and served as a negative discriminator (red flag). The absence of the Professional Engineers certificate, summary of education, and lack of comments on promotion potential, particularly promotion recommendations, caused the nexus to his non-selection.

The applicant challenged the Coast Guard's position that comments in an OER are discretionary with the rating chain. The applicant stated that comments regarding an officer's leadership and potential are mandatory. He stated that Article 10-A-4d.(8) of the Personnel Manual states in pertinent part "the Reporting Officer shall comment on the Reported-On Officer's leadership and potential." The applicant stated that nowhere in the Personnel Manual do the words "encourage," "optional," or "discretionary" appear concerning block 11 comments.

The applicant questioned how selection boards could come to a decision on an officer's qualification for promotion if specific comments on promotion potential were optional with the reporting officer. He stated that if no specific recommendation for promotion was made, the selection board would have to speculate, assume, and derive information from other sources outside of the OERs.

The applicant argued that comments on an officers potential for assuming the duties of the next grade is not a recommendation for promotion. The applicant stated that one can have some qualification or abilities to serve in a billet at the next grade and not have overall promotion potential. The applicant interpreted the Personnel Manual as requiring "block 11 comments on potential for promotion and assignments [that] 'may include but are not limited to' various suggested comments, one of which is abilities to assume the duties of the next grade."

The applicant disagreed with the Coast Guard that the lack of a promotion recommendation in the disputed OERs was a conscious omission by the reporting officers. The applicant stated that one reporting officer stated that he used block 12 to show the applicant's promotion potential. The applicant stated that this was erroneous, since block 12 is not the place on the OER to indicate promotion potential.

The applicant stated that the senior officers who reviewed his record in 1996 served on previous selection boards. According to the applicant, these officers pointed out that boards do review the entire record for performance information as best they can within the allotted time, looking for weak marks, challenging duties, and exceptional achievements. According to the applicant, these officers also stated that the selection boards look for expressed promotion potential in block 11. The applicant argued he was prejudiced before the 1995 CDR selection board because there was not an express recommendation for promotion on the two disputed OERs.

The applicant stated that the Coast Guard admitted that a sampling of seven LCDRs revealed that two of them were permitted to place advanced engineering certifications in their records. The applicant stated that the Coast Guard's policy with respect to this issue was inconsistent and unfair to the applicant, since the inconsistent policy permitted the records of other officers to be enhanced by the inclusion of the professional engineering license, while refusing to add the license to the applicant's record.

The applicant stated that the Coast Guard violated COMDTINST M1080.10D by excluding the six educational items listed on the educational summary from his service record. The applicant argued officers are entitled and encouraged to submit every educational achievement. The applicant stated that without these educational achievements in his record, it would appear to the selection board that he showed no educational growth during the years covered by that documentation.

APPLICABLE REGULATIONS

Article 10-A-4d.(8) of the Personnel Manual states the following:

"(a) The reporting officer shall comment on the Reported-on Officer's leadership ability and potential for greater responsibility in the Coast Guard. These comments shall be limited to performance or conduct demonstrated during the reporting period.

"(b) Comments in this section reflect the legitimate judgment of the Reporting Officer and may include, but are not limited to, the following:

"- How qualified the Reported-on Officer is to assume the duties of the next grade.

"- For what specialties, or types of assignment, such as command, the Reported-on Officer is qualified or shows aptitude.

"- Recommendations for the officer to be sent to a senior service school, if otherwise eligible.

"- Special talents or skills (or lack of) in such areas as military readiness and warfare skills, seamanship/airmanship, etc., as applicable."

FINDINGS AND CONCLUSIONS

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

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

2. The Chairman has recommended that the case be determined without a hearing. 33 CFR 52.31 (1993). The BCMR concurs in that recommendation.

3. The applicant claims that block 11 of the disputed OERs must contain a promotion recommendation in block 11. This claim is without merit. The Personnel Manual does not require that a promotion recommendation be made in block 11. The Personnel Manual does require that block 11 contain comments on an officer's leadership ability and potential for greater responsibility in the Coast Guard. The Personnel Manual provides the following as examples of the types of comments that may be included in block 11: (1) qualification to assume the duties of the next grade; (2) qualifications for certain assignments, such as command; (3) recommendation for senior service school; and (4) special talents or skills (or lack of) in such areas as military readiness and warfare skills. Article 10-A-d.(8)(b), Personnel Manual.

4. The reporting officers for both of the disputed OERs followed the guidance of the Personnel Manual in completing block 11. The reporting officer for the first disputed OER commented that the applicant demonstrated strong leadership and sound judgment and recommended the applicant for shore command. The reporting officer also addressed the applicant's extensive technical education and practical background and complimented the applicant on his extensive project, budget, contracting, and personnel management experience.

5. The reporting officer for the second disputed OER also made complimentary comments about the applicant. The reporting officer for the second disputed OER described the applicant in block 11 as having "demonstrated mastery of his several duties" and as having exercised "strong leadership and sound judgment." This reporting officer also stated that he supported the applicant's aspirations to become a CO. These comments would certainly not have been included for an officer who is not recommended for promotion to the next grade. The applicant argued that the absence of the words "recommended for promotion" from the disputed OERs led the selection board to interpret this omission as a "subtle" recommendation against promotion. This argument is speculation. It is inconceivable that the CDR selection board would interpret these very complimentary above average OERs as anything but a recommendation for promotion. The reporting officers prepared the disputed OERs in accordance with the Personnel Manual.

6. The applicant reads Article 10-A-4d(8), as well as certain other provisions, of the Personnel Manual as requiring a promotion recommendation in block 11. The applicant's interpretation of these provisions is his own opinion and does not establish an error by the Coast Guard. The Personnel Manual does not require a specific recommendation for or against promotion. The applicant wrote in his statement that Coast Guard message ALCGOFF [all Coast Guard officer] 031/95 stated that promotion recommendations in OERs are not mandatory, but strongly encouraged. The absence of a specific promotion recommendation from the two disputed OERs is not an error.

7. The applicant argued that currently it is the policy of rating officials to include promotion recommendations in block 11. However, the applicant received these OERs in 1993 and 1994. The applicant has not presented sufficient evidence to show that it was the policy at that time for reporting officers to include a recommendation for promotion, or that the actions of his reporting officers for the two disputed OERs were different from the majority of reporting officers during the periods under review.

8. The statements from the members of the rating chain that they supported the applicant in his efforts to have a promotion recommendation added to the disputed OERs is insufficient to prove that the disputed OERs are in error or unjust. Neither reporting officer indicated that his assessment of the applicant's performance on the disputed OERs was inaccurate. Each talked of his positive impression of the applicant's performance at that time. Each reporting officer indicated that by today's standards, the lack of a recommendation for promotion is very damaging to the applicant. These are the reporting officers' opinions today and amount to retrospective reconsideration. At the time the reporting officers prepared the disputed OERs, they did so in accordance with the Personnel Manual. It is obvious these reporting officers want to help the applicant to be selected for promotion to CDR. However, a violation of the Personnel Manual has not been demonstrated on the part of the Coast Guard with respect to the disputed OERs.

9. The Coast Guard admitted that its policy against placing professional certificates in the service record has been applied inconsistently. Some officers have been permitted to include this information while others, such as the applicant, have not. However, the Service points out that this information was available to the selection board, since this achievement was mentioned in five of the applicant's OERs. It was unfair to the applicant, however, to permit some LCDRs to have this information in their records and not in the applicant's record.

10. The Coast Guard also admitted that six items were missing from the applicant's officer education record, such as a 1977 associate degree in data processing from Parkland College (1977), 3 one week service courses, one 3 day service course, and one 1 day service course. The Coast Guard has not alleged that the applicant failed to provide them with the document containing the missing information. The failure by the Coast Guard to include this document in the applicant's record was error, since CONDTINST M1080.10B (Military Personnel Data Records (PDR) System) permits this document to be included in officers' records. The Coast Guard indicated that the applicant's total officer education record has been placed into his military record.

11. The Coast Guard committed an error or injustice by refusing to place the applicant's professional engineering license in his military record, while permitting similarly situated LCDRs to do so, and by not placing the applicant's education summary record in to his military record. The Board must now determine what prejudice, if any, was suffered by the applicant due to these errors before the 1995 and 1996 CDR selection boards.

12. The test to be applied in determining whether the applicant was prejudiced before the 1995 CDR selection board due to the errors in his record is found in Engels v. United States, 230 Ct. Cl. 465 (1982). In Engels, the United States Court of Federal Claims established two "separate but interrelated standards" to determine the issue of nexus. The standards are as follows: "First, was the claimant's record prejudiced by the errors in the sense that the record appears worse than it would in the absence of the errors? Second, even if there was some such prejudice, is it unlikely that he would have been promoted in any event?" Engels at 470.

13. Applying the first prong of Engels, the applicant's record does not appear worse than it would in the absence of the errors. Although the professional engineering certificate was not in the applicant's record in 1995, as the Coast Guard argued, it was mentioned in several of the applicant's OERs. Moreover, there was other sufficient evidence in the military record to attest to the applicant's competence in his field. It was evident to the Board that the applicant had a master's degree in electrical engineering from [REDACTED]. This is documented by a copy of the applicant's transcript that was in his military record. Additionally, the applicant has not indicated that having a professional engineering certificate was necessary to performing his Coast Guard duty. Also the applicant's OERs attest to his competence in his field.

14. With respect to the information missing from the applicant's officer education record, the Board finds that the significance of the associate degree is diminished since the applicant has earned both a bachelor's and master's degree. The other items missing from the applicant's education record were several Coast Guard courses, none of which were longer more than a week in duration. The applicant's officer's education record is replete with similar courses that he has taken throughout his career. In light of the above, the Board finds that the applicant's record did not appear worse than it would in the absence of the errors. Thus the applicant has not demonstrated that he was prejudiced by these errors.

15. Although it is not necessary, the Board finds that even if there was some prejudice to the applicant, it is unlikely that he would have been promoted in any event. These errors are minor ones and lose their significance when the applicant's record is considered in its entirety. For example, the applicant's record contains above average OERs. He has been recommended for command. He is currently serving in an XO's billet. He has received several awards and decorations.

16. Accordingly, the applicant's request should be denied.

ORDER

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

