

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

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 1998-017

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on October 30, 1997, upon the receipt by the BCMR of the applicant's request for correction of her military record.

This final decision, dated November 19, 1998, was signed by three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST

The applicant was a lieutenant on active duty (LT; pay grade O-3) with the [REDACTED] at the time of the alleged error or injustice. She alleged that her officer evaluation report (OER) for her four months with [REDACTED] (4/30/96 to 9/4/96) did not "accurately reflect [her] abilities and performance." For this reason, the applicant asked the Board to have this disputed OER removed from her record.

She alleged that the chief of staff of [REDACTED] a Marine Corps colonel, created a "hostile work environment." She said that the colonel "impeded even the simplest task and exacerbated an exceptionally difficult tour of duty." She also said that the environment of [REDACTED] was "sexist." It was an environment, she alleged, in which "women are [regarded as] primarily decorators, cooks and mindless fluff."

The applicant stated that she was an 18-year veteran of the Coast Guard, which meant, she said, that she was able to recognize "what is appropriate and inappropriate behavior in the workplace." On 9/12/96, the applicant prepared a statement on harassment at [REDACTED] by the chief of staff and submitted it to the Inspector General of the Marine Corps. After an investigation, the chief of staff was relieved of his duties for the [REDACTED] and reassigned to a staff job in the Marine Corps.

The applicant alleged that her OER for the period from April 30, 1996 through September 4, 1996 was not accurate (disputed OER). She concluded, in a 1998 submission to the Board, that her non-selection for promotion by the 1998 lieutenant commander (LCDR) board reinforce[d her] assertion that [the disputed] OER drew negative attention." Accordingly, she asked the Board to remove the disputed OER from her record. The applicant also alleged that she requested early assignment from [REDACTED] to a Coast Guard command, because of the harassment, and a general atmosphere of intolerance at [REDACTED]

VIEWS OF THE COAST GUARD

On September 14, 1998, the Board received an advisory opinion from the Chief Counsel of the Coast Guard recommending that relief be denied in this case.

The applicant was assigned to [REDACTED] in 1996, where she served as a Watch Officer from April 30, 1996 until September 4, 1996. Her rating chain included Air Force, Army, and Coast Guard officers. It did not include the Marine colonel who was the chief of staff, who was accused by the applicant of harassment and the maintenance of a hostile work environment. A chief warrant officer - 4 (CWO4) described the colonel as a person who "believed that screaming at his subordinates was an effective management tool."

The Chief Counsel said that the disputed OER was a fair and accurate evaluation of the applicant's performance while she was assigned to the [REDACTED]. The Chief Counsel said that she did not provide evidence of an error or injustice or a prima facie showing of harm to her record.

The Chief Counsel said the applicant had to show that the Coast Guard committed error or injustice in order to be entitled to relief. According to him, she did not. The marks in the disputed OER were based on her overall performance during her four month tour of duty with the [REDACTED] under very demanding job conditions.

The Chief Counsel also said that the "purported hostile work environment at the [REDACTED] had no adverse impact" on the applicant's disputed OER. He alleged that the applicant failed to produce substantial evidence that the disputed OER was the product of a hostile work environment that impeded her in the performance of her duties. The Coast Guard alleged that it did not have to disprove the applicant's allegations:

Applicant's statement is replete with allusions of unfairness and her own characterizations of improper conduct by a senior official external

distribution," she was rated as a "4" by the reporting officer and a separate "4" by the reviewer. The mark of "4" on the comparison scale means the reported-on officer is an "Exceptional performer, very competent, highly respected professional."

4. The applicant received exceptional comments from the members of her rating chain: "Exceptional writing ability," "Displayed ingenuity in anticipating and dealing with unexpected situations," "She was a team player," "She provided wise counsel when asked. Common sense was one of her strong points," and "Promote with peers."

5. The applicant alleged that she was sexually harassed by the chief of staff of [REDACTED] a Marine colonel. The colonel, however, was not a member of her rating chain and was not responsible for any part of the OER.

6. She claimed that the colonel was responsible for her being in a hostile work environment, and she claimed that being in this environment diminished her performance. The applicant has not shown, however, that the colonel was a member of her rating chain and was responsible for the disputed OER.

7. The applicant alleged that the Board should remove the disputed OER on the ground that it was not accurate and drew negative attention. She alleged that this happened because of the hostile work environment established by the Marine colonel..

8. The applicant did not show that the Coast Guard committed any error or injustice. Accordingly, the application should be denied.

ORDER AND SIGNATURES ON FOLLOWING PAGES

ORDER

The application to correct the military record of [REDACTED]
[REDACTED] USCG, is denied.

