

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

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 1999-005

FINAL DECISION

[REDACTED]

This is a proceeding under the provisions of section 1552 of title 10, and section 425 of title 14, United States Code. It was commenced on October 16, 1998, when the applicant filed his application for correction of his military record.

This final decision, dated August 5, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a [REDACTED] on active duty, asked the Board to correct his record by removing the officer efficiency reports (OERs) for the periods from May 20, 1996 to January 31, 1997 (first disputed OER) and from February 1, 1997 to January 31, 1998 (second disputed OER), and by replacing them with the revised OERs that he submitted with his application.

During the periods covered by the disputed OERs, the applicant was a full-time student at the University of [REDACTED]. He claimed that neither of the two disputed OERs, as they presently exist in his record, lists all of his courses and grades for that specific reporting period.

The applicant alleged that, in addition to the 1996 summer and fall semesters, the first disputed OER should have contained his courses and grades for the 1996-97 winter semester, which it did not. He provided a revised corrected OER for the period May 20, 1996 to January 31, 1997, that lists all of his courses and grades for this reporting period, including the 1996-97 winter courses and grades.

The applicant alleged that the second disputed OER should have but did not list his courses and grades for the 1997 spring semester, although it did contain grades for the 1997 summer and fall (winter) semesters. He provided a revised corrected OER for the period February 1, 1997, to January 31, 1998, that lists all of his courses and grades for this reporting period, including the 1997 spring semester courses and grades.

Views of the Coast Guard

On July 16, 1999, the Board received an advisory opinion from the Chief Counsel of the Coast Guard. He recommended that the Board grant relief in this case.

Attached to the advisory opinion was a memorandum from the Commander, Coast Guard Military Personnel Command (CGPC). He also recommended relief. CGPC stated that the applicant's program manager has provided a copy of his official transcripts from the University of [REDACTED] which includes his courses and grades for the 1996-97 winter quarter and the 1997 spring semester.

CGPC recommended that the Board replace the two disputed OERs with the revised OERs provided by the applicant.

FINDINGS AND CONCLUSIONS

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

1. The Board has jurisdiction of this case pursuant to section 1552 of title 10, United States Code. It was timely.

2. The disputed OERs show that the applicant was a full-time student under instruction at the University of [REDACTED] during the period covered by each of the OERs. As a full-time student, each of the disputed OERs should have listed all of the applicant's courses and grades for that particular reporting period. They did not. This was an error. Chapter 10 of the Personnel Manual states that "[c]ourses, credit hours, and grades should be listed on the OER."

3. The Coast Guard committed an error and injustice by not properly recording all of the courses taken and grades earned by the applicant during the period covered by each of the disputed OERs. This is especially true since he had no other performance to be evaluated during these periods.

4. The disputed OERs should be corrected to reflect all of the courses taken and the grades earned by the applicant during the period covered by each of the disputed OERs.

5. The Coast Guard concurs in this grant of relief.

ORDER

The application to correct the military record of [REDACTED] JSCG, is granted. His record shall be corrected by listing his courses and grades for the 1996-97 winter quarter on the first disputed OER and by listing his courses and grades for the 1997 spring semester on the second disputed OER. The Coast Guard may implement these corrections as follows:

(1) by removing the DUINS (Duty Under Instruction) OER for the period from May 20, 1996 to January 31, 1997 and by replacing it with the revised OER for the same period that was submitted by the applicant in his BCMR application.

(2) by removing the DUINS OER for the period from February 1, 1997 to January 31, 1998 and by replacing it with the revised OER for the same period that was submitted by the applicant in his BCMR application.

