

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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2017-111**



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**FINAL DECISION**

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the application upon receipt of the applicant's completed application on February 25, 2017, and prepared the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated August 11, 2017, 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 [REDACTED] asked the Board to raise two marks on his Officer Evaluation Report (OER) covering his performance from August 1, 2010, through February 17, 2012, when he was the [REDACTED] for a Port Security Unit (PSU) of reservists. Specifically, he asked the Board to raise the marks of 3 for "Results/ Effectiveness" and "Evaluations" on this OER to marks of 5.<sup>1</sup>

The applicant alleged that the Executive Officer (XO) of the PSU, who served as the Reporting Officer for the disputed OER, retaliated against him for the applicant's refusal to abide by the XO's "unlawful orders and actions." The applicant stated that he described the XO's unlawful actions in his OER Reply dated August 12, 2013.

The applicant also alleged that when he first submitted his OER Reply, the XO failed to forward it properly for entry in his military record with the OER. The applicant stated that because the XO failed to forward his OER Reply, he "was forced to seek assistance outside of normal channels to ensure [it] was entered into [his] record."

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<sup>1</sup> On a lieutenant's OER, CG-5310B, lieutenants are rated in eighteen different performance dimensions on a scale of 1 (worst) to 7 (best). A middle mark of 4 is considered the expected standard of performance.

The applicant claimed that he discovered the errors in his record on May 17, 2015, because that is the date he learned that his OER Reply had not been entered in his record. The applicant noted that his record will be reviewed for selection for promotion by the LCDR selection board that convenes on August 14, 2017.

In support of his allegations, the applicant submitted the following documents, as well as copies of his military records that are included in the Summary of the Record below.

- In an email dated August 19, 2012, the applicant's Supervisor, a lieutenant commander (LCDR) who was the Force Readiness Officer for the PSU, sent the applicant his OER for signature and to schedule OER counseling.
- Almost a year later, on August 12, 2013, the applicant sent an OER Reply to his Supervisor, and he cc'ed the special email address for OER submissions provided by the Personnel Service Center's Reserve Personnel Management office (RPM).
- On May 17, 2015, the applicant forwarded his August 12, 2013, OER Reply email with the attachment to a chief warrant officer (CWO). He stated that he had just learned that it was not in his record, thanked her for her help, asked how to get the OER Reply in his file, and stated, "I know it was within submission requirements due to I received a call from previous unit RPA [Reserve Personnel Administrator]<sup>2</sup> about it."
- In a statement dated January 18, 2017, the CWO (who had retired in the interim) advised RPM that in May 2015, the applicant had "request[ed] assistance on how to ensure an official response to his 2012 OER, which was finalized in August 2013, could be attached to his OER." The CWO stated that she had served with the applicant at a Sector office from 2013 to 2014 and found him to be "one of the finest and most professional officers I have ever had the privilege to serve with. [He] and I had many conversations about his previous assignment and the relationship he had with his previous command not following through with actions or simply not being available for his personal growth and he appreciated our role as RFRS<sup>3</sup> had to ensure that members of the Reserves were taken care of professionally and personal." She attached a copy of the applicant's email to her dated May 17, 2015, and stated that she believes that he followed correct procedures to have the OER Reply entered in his record with the OER.
- In a statement dated January 21, 2017, the Senior Reserve Officer (SRO) at the Sector, a captain, stated that he had been the applicant's SRO for two years and considers him a "highly motivated officer." He stated that the performance reflected on the disputed OER "is not indicative of the high level of performance that I have observed. He called the applicant an "exceptional officer committed to the success of our organization ... of excellent character and an utmost integrity."

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<sup>2</sup> An RPA is a member of the Reserve who serves on full-time active duty to perform the administrative work of the Reserve.

<sup>3</sup> According to paragraph 11.a. of COMDTINST 5320.4A, issued on November 6, 2014, the RFRS is the Reserve Force Readiness System and its purpose is to provide "a dedicated and specialized service-wide readiness infrastructure that matches resources with requirements, and attains and maintains readiness to facilitate rapid activation and deployment of the Coast Guard Reserve when surge operations require additional personnel."

### SUMMARY OF THE RECORD

The applicant began his Coast Guard career in July 1996 by enlisting for six years on active duty. He became an [REDACTED] [REDACTED] [REDACTED] in 1999. Upon his discharge in July 2005, the applicant enlisted in the Coast Guard Reserve for six years.

On [REDACTED], after attending Officer Candidate School, the applicant was commissioned an ensign in the Reserve and assigned as the Communications Officer at the PSU. His OER dated March 31, [REDACTED] contains no below-standard marks, and he was “highly recommended for promotion with peers to Lieutenant Junior Grade [LTJG].” He received a mark in the fifth spot on the officer comparison scale.<sup>4</sup> In February [REDACTED], he was promoted to LTJG. His OER dated June 30, [REDACTED] contains no below-standard performance marks, a mark in the fourth spot on the comparison scale, and a “recommend[ation] for promotion w/peers.”

From May 1 to December 31, [REDACTED] the applicant served on active duty under Title 10 orders and was deployed overseas with the PSU. He received an [REDACTED] Achievement Medal for this service.

The applicant’s OER for the period July 1, [REDACTED] through June 30, [REDACTED] shows that he was the Assistant Waterborne Security Division Officer at the PSU and was responsible for the training and operations of the PSU’s six high-speed boat crews. The applicant received primarily marks of 5 on this OER and a mark in the fourth spot on the comparison scale. He was “[h]ighly recommended for promotion to [LT/O-3] w/peers.”

The applicant’s OER dated July 31, [REDACTED], states that he was the Assistant Waterborne Security Division Officer at the PSU and then became the Communications Officer. On this OER, he received two standard marks of 4, seven marks of 5, five marks of 6, and four marks of 7 in the various performance categories and a mark in the fifth spot on the comparison scale. His Reporting Officer commented that the applicant “is an extremely competent professional officer deserving increased responsibility and promotion to LT.” The applicant received two Letters of Commendation for his service during this period, including one for a [REDACTED]

#### *Disputed OER*

The applicant’s next OER, for the period August 1, 2010, to February 17, 2012, is the disputed OER in this case. The applicant submitted his input for this OER on May 16, 2012. During the reporting period, he had served as the Weapons Division Chief at the PSU, and the list of duties states that he supervised one E-3, one E-4, one E-5, one E-6, and three E-7s and was

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<sup>4</sup> To mark the officer comparison scale on an OER form for ensigns and LTJGs, the Reporting Officer compares the Reported-on officer to all other officers of the same rank whom the Reporting Officer has known throughout his career. There are seven spots on the scale, and a mark in the third, fourth, or fifth spot indicates that the officer is “one of the many competent professionals who form the majority of this grade.”

“[r]esponsible for requisitioning, inventory, management, operation, and maintenance” of numerous pistols, rifles, grenade launchers, night vision goggles, ammunition rounds, etc., for a deployable group and Navy combat command. The OER shows that he performed 107 drills,<sup>5</sup> 11 days of annual active duty training, and 11 other training duty days during the reporting period.

On the disputed OER, the applicant’s Supervisor, the chief of the PSU’s Operations Support Department, assigned him two marks of 3, seven “standard” marks of 4, and four marks of 5 in the various performance dimensions. For the mark of 3 for “Results/Effectiveness,”<sup>6</sup> the supporting comments are positive or neutral: “Effective use of resources; Division personnel provided 24/7 weapons support ...; weapons hands-on operation, ranges, and PQS provided within two week training resulted with ... members all receiving qualifications required for deployment .... Results; consistent inventory control and management of weapons systems.” Another comment notes that a Navy command “recognized unit for having no inventory discrepancies or errors due to diligence of AD GM1 [active duty gunner’s mate first class].” For the mark of 3 for “Evaluations,”<sup>7</sup> the Supervisor’s only supporting comment is, “Evaluations of division personnel accurate & supported.”

The PSU’s XO, who was the applicant’s Reporting Officer, assigned him five marks of 4 in the final performance dimensions and a mark in the third spot on the officer comparison scale, which denoted a “[f]air performer; recommended for increased responsibility.” The XO included several positive comments in the OER, including one noting that the applicant had “[w]orked countless unpaid evenings and weekends to work towards meeting unit needs and goals.” Another comment states that the applicant “overcame career-ending injury in record time to meet unit PT requirements,” and did not deploy but “organized unit PT during drill weekends for members who did not deploy.” The XO also wrote the following in the OER:

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<sup>5</sup> A drill is a period of training, which must be at least four hours long if performed for pay and points but only two hours long if performed for only points. No more than two drills may be performed in a day. Reserve Policy Manual, Chapter 2.B.1.

<sup>6</sup> On a lieutenant OER form, CG-5310B, there is no written standard (criteria) for a mark of 3 for “Results/Effectiveness,” but Table 2-2 of the OER Manual, COMDTINST M1611.1A, indicates that a mark of 3 means that the officer did not meet all of the criteria for a “standard” mark of 4 and did not meet all of the criteria for a “below-standard” mark of 2. The written standard for a mark of 4 for “Results/Effectiveness” states that the Reported-on Officer “[g]ot the job done in all routine situations and in many unusual ones. Work was timely and of high quality; required same of subordinates. Results had a positive impact on department or unit. Continuously improved services and organizational effectiveness.” The written standard for a mark of 2 states, “Routine tasks accomplished with difficulty. Results often late or of poor quality. Work had a negative impact on department or unit. Maintained the status quo despite opportunities to improve.”

<sup>7</sup> On a lieutenant OER form, CG-5310B, there is no written standard (criteria) for a mark of 3 for “Evaluations,” but Table 2-2 of the OER Manual, COMDTINST M1611.1A, indicates that a mark of 3 means that the officer did not meet all of the criteria for a “standard” mark of 4 and did not meet all of the criteria for a “below-standard” mark of 2. The written standard for a mark of 4 for “Evaluations” states, “Reports consistently submitted on time. Narratives were fair, concise, and contained specific observations of action and impact. Assigned marks against standards. Few reports, if any, returned for revision. Met own OES [Officer Evaluation System] responsibilities as Reported-on Officer.” The written standard for a mark of 2 states, “Reports were frequently late. Narratives inaccurate or of poor quality. Failed to uphold service performance standards by assigning accurate marks. Reports required revision or intervention by others. Failed to meet own OES responsibilities as Reported-on Officer.”

- “[The applicant’s] overall performance during the marking period declined from previous periods. The member had a number of issues in both his civilian job and personal life that adversely impacted his CG performance. [He] struggled to find the appropriate balance between civilian life & military duties/responsibilities. At times, mbr was overwhelmed by the rigorous rqmts of a PSU and was unable to focus on & effectively perform his job. While the mbr completed the majority of his tasking, the finished products were of average quality. Performance was barely average.”
- “While assigned to PSU ..., [the applicant] has demonstrated an ability to perform at levels higher than those observed during this period. Mbr’s performance was not consistent w/ the expectations for a person of this grade & experience who is assigned to a PSU. It is imperative that the mbr find the appropriate balance between his civilian career, personal life & CG career. Once mbr finds that appropriate balance, his performance should improve. After 5+ years & [2 overseas] deployments w/ the PSU, mbr is recommended for future assignments to a non-expeditionary USCG unit such as a sector or a district. [He] is recommended for promotion as service needs dictate.”

The disputed OER was reviewed and signed by the PSU’s commanding officer (CO) on August 18, 2012. As shown by the email the applicant submitted, the OER was sent to him for review and signature and to schedule end-of-period OER counseling on August 19, 2012, after he was transferred to another unit. However, the copy of the OER in his record shows that it was not validated and entered in his record by the Personnel Service Center until July 15, 2013, almost a year after the applicant received it for signature.

#### *Applicant’s OER Reply*

On August 12, 2013, the applicant submitted an OER Reply to the Supervisor to be forwarded up his rating chain to PSC. He stated that his command had failed to take into account situations that were beyond his control. The applicant stated that during the reporting period from August 1, 2010, to February 17, 2012, the PSU deployed overseas for eight months and so the applicant served under direct supervision for just 50 days and under the XO’s supervision for just 20 days.

Regarding the [REDACTED] inspection failure, the app [REDACTED] reporting period he met his obligations as a Reserv [REDACTED] 60 drills per year and 12 days of annual active duty training. He stated that the Weapon’s Division—

has a full time active duty Coast Guard Officer and full time active duty Gunner’s Mate First Class. These people are ultimately responsible for ensuring that the division is inspection and mission ready. During the unit Ready for Ope [REDACTED] inspection the divisio [REDACTED] overall success and/or failure is not due to my inaction or neglect. How can a Reserve Coast Guard Officer be held solely responsible for meeting the requirements of a full-time active duty weapons division[?]

Regarding the XO's comments about "average quality" and "barely average" performance, the applicant stated that the PSU's "mobile armory" had traveled with the XO and PSU personnel to another location for thirty days of "pre-deployment training." When the mobile armory was returned to the PSU, the active duty GM1 received and signed for it. When the GM1 opened the mobile armory, he found 262 weapons that were "not ready for issue." The applicant stated that the deploying force under the XO had failed to comply with requirements because weapons "had been returned broken, un-cleaned, undocumented and not mission ready" and the weapons remained in that condition for weeks after being received. The applicant stated that as a Reserve officer performing inactive duty drills, he received an email from the XO, who reprimanded him "for the neglect and continued poor state of the overall division armory." The applicant alleged that the two full-time active duty members were "not held accountable."

The applicant stated that during the reporting period, he was assigned to complete an investigation regarding the loss of body armor worth about \$5,000, and the investigation revealed that a member had been neglectful in securing it. The applicant forwarded his report to the XO, who was deployed overseas at the time. He alleged that the XO "attempted to direct myself and my investigation team members to alter the results of our investigation three times," and they were never informed of the final disposition of the investigation.

Regarding the XO's comment that he had a "number of issues in both his civilian job and personal life that adversely affected his CG performance," the applicant stated that the XO was "alluding to a series of personal and physical issues which caused me to experience an above average amount of stress," and yet he still fulfilled his obligations and maintained his personal readiness. However, the applicant stated, his "supervisors at all levels failed to inquire about [his] health and well-being at any time." The applicant also pointed out that he completed 107 four-hour drills and 22 total days of active duty during the reporting period, which was well above the standard requirements. He asked how his performance could have been adversely affected when he "completed double the required monthly drills."

The applicant concluded his OER Reply by stating that the disputed OER would have been very different if it had been "truly based on performance of [him]self and the division as a whole."

In August 2012, [REDACTED] transferred to a Sector's [REDACTED]. His OER dated May 31, 2014, states that he was a [REDACTED]. On this OER, the applicant received primarily marks of 6 in the performance dimensions; a mark in the fifth spot on the comparison scale, denoting an "excellent performer; give toughest, most challenging leadership assignments; and his SRO's "highest recommendation for promotion to LCDR w/ very best of peers."

The applicant's OER dated May 31, 2016, states that his primary duty was [REDACTED] and that he was the [REDACTED], leading two junior officers, one chief petty officer, and eight petty officers. On this OER, the applicant received primarily marks of 6 and 7, another mark in the fifth spot on the comparison scale, and his Reporting Officer's "[h]ighest recommendation for promotion w/ best of peers."

### VIEWS OF THE COAST GUARD

On August 4, 2017, a Staff Judge Advocate submitted an advisory opinion in which he adopted the findings and analysis provided in a memorandum on the case submitted by the Personnel Service Center (PSC) and recommended that the Board grant partial relief in this case.

PSC stated that the applicant is timely because the applicant did not discover that the OER Reply was not in his record until 2015 and PSC entered it in his record in 2015. PSC stated that the OER Manual, COMDTINST M1611.1A, requires OER Replies to be submitted to the Supervisor no more than 21 days after the officer's receipt of the validated OER from RPM and that the applicant met this deadline when he submitted his OER Reply to his Supervisor on August 12, 2013. However, PSC noted, the disputed OER was issued in 2012, and the delay has dimmed memories and adversely affected PSC's ability to obtain critical evidence.

Regarding the applicant's claims of retaliation, PSC stated that by law the OER marks are presumptively correct and that the applicant has not submitted evidence to prove that the disputed marks of 3 in the OER were retaliatory in nature or that he should have received marks of 5, as he alleged.

Nevertheless, PSC recommended that the Board grant partial relief by raising the two marks for "Results/Effectiveness" and "Evaluations" from 3s to standard marks of 4 because the marks of 3 are not supported by corresponding negative comments as required by the OER Manual.

### APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

In forwarding the advisory opinion to the Board on Friday, August 4, 2017, the staff judge advocate noted that the applicant's record would be reviewed by a LCDR selection board convening on Monday, August 14, 2017, and that if the Board's decision is issued before that date, PSC should be able to correct his record before it is reviewed by the LCDR selection board. Therefore, the Chair forwarded the advisory opinion to the applicant by email on August 4, 2017, and called him to ensure he received it. The Chair advised him that under the Board's rules, he had thirty days to respond to the advisory opinion and could request an extension of the thirty-day period, in which case the Board's decision would be issued with [REDACTED]. The Chair also advised him that if he submitted his written response [REDACTED] by August 8, 2017, the Chair would present the case to the Board at the next scheduled meeting before the LCDR selection board convened.

The applicant submitted his response to the advisory opinion within an hour. He wrote that he "completely agree[s] with the recommendation presented by the Coast Guard. Respectfully request to have recommendation reviewed by BCMR Board meeting next week [REDACTED] [REDACTED]

APPLICABLE REGULATIONS

Article 2.E.4. of the OER Manual, COMDTINST M1611.1A, states that to assign marks on an OER form the Supervisor—

b. ... reviews the Reported-on Officer’s performance and qualities observed and noted during the reporting period. Then, for each of the performance dimensions, the Supervisor must carefully read the standards and compare the Reported-on Officer’s performance to the level of performance described by the standards. The Supervisor must take care to compare the officer’s performance and qualities against the standards — not to other officers and not to the same officer in a previous reporting period. After determining which block best describes the Reported-on Officer’s performance and qualities during the marking period, the Supervisor selects the appropriate circle on the form. ...

. . .

d. In the “comments” block following each evaluation area, the Supervisor includes comments citing specific aspects of the Reported-on Officer’s performance and behavior for each mark that deviates from a four (if applicable). The Supervisor draws on their observations, those of any secondary Supervisors, and other information accumulated during the reporting period.

e. Comments should amplify and be consistent with the numerical evaluations (if applicable). They should identify specific strengths and weaknesses in performance. Comments must be sufficiently specific to paint a succinct picture of the officer’s performance and qualities which compares reasonably with the picture defined by the standards marked on the performance dimensions in the evaluation area. Mere repetition or paraphrasing of the standards is not sufficient narrative justification for below or above standard marks.

f. A mark of four represents the expected standard of performance. Additional specific performance observations must be included when an officer has been assigned a mark other than a four (if applicable). Those assigned the superlative mark of seven should have specific comments demonstrating how they exceeded the six standard block

Article 2.A.8.c. of the OER Manual states that the Reported-on Officer must review and sign the OER (to show that he has reviewed it) after the OER Reviewer signs it and before the rating chain forwards the OER to RPM.

Article 6.A. of the OER Manual states that a Reported-on Officer may reply to any OER and that it is “an opportunity for the Reported-on Officer to express a view of performance which may differ from that of a rating official. Comments should be performance-oriented, either addressing performance not contained in the OER or amplifying the reported performance. ... Comments pertaining strictly to interpersonal relations or a personal opinion of the abilities or qualities of a rating chain member are not permitted.” The OER Reply must be submitted within 21 days of receiving the validated OER from PSC and should be submitted through the chain of



command but may be submitted directly to RPM if the location of the rating chain members is unknown. Article 6.B. authorizes rating chain members to respond in writing to the OER Reply.

### 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.
2. The application was received by the Board on February 7, 2017. The applicant is seeking the correction of two numerical marks on his 2012 OER and alleges that the marks are erroneous. The record shows that he became aware of the marks in August 2012, when the OER was emailed to him, and that he became aware that the OER with these marks had been validated and entered in his record in July 2013. Because the applicant has not been serving on continuous active duty in the interim, the Board's three-year statute of limitations in 10 U.S.C. § 1552(b) has not been tolled.<sup>8</sup> His application should have been submitted no later than July 2016 and so it was not timely submitted.
3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.<sup>9</sup> In *Allen v. Card*, 799 F. Supp. 158 (D.D.C. 1992), the court stated that the Board should not deny an application for untimeliness without "analyz[ing] both the reasons for the delay and the potential merits of the claim based on a cursory review"<sup>10</sup> to determine whether the interest of justice supports a waiver of the statute of limitations. The court noted that "the longer the delay has been and the weaker the reasons are for the delay, the more compelling the merits would need to be to justify a full review."<sup>11</sup> Although the applicant in this case delayed contesting the disputed numerical marks on his OER, the Coast Guard has identified prejudicial errors on the OER, as explained below, and so the Board finds that it is in the interest of justice to excuse the untimeliness of the application.
4. The Board finds that the applicant has not proven by a preponderance of the evidence that the marks of 3 for "Results/Effectiveness" and "Evaluations" on his 2012 OER are a result of retaliation by the XO. The marks of 3 were assigned by his Supervisor, who was not the XO, and there is no evidence supporting the applicant's claim that his XO gave him unlawful orders or retaliated against him because he would not follow those orders. The applicant attributed the XO's negative comments in the OER to a failed inspection, which, the applicant alleged, he should not have been criticized about because he was only a Reserve officer on inactive duty and two active duty members were responsible for the failed inspection. The applicant submitted no evidence to support these claims, however, and the fact that he was a Reserve

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<sup>8</sup> *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).

<sup>9</sup> 10 U.S.C. § 1552(b).

<sup>10</sup> *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

<sup>11</sup> *Id.* at 164, 165; *see also Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

officer on inactive duty does not *per se* prove that he should not have been criticized in his OER as a result of the failed inspection.

5. The Board finds that, as the Coast Guard recommended, the mark of 3 for “Evaluations” on the disputed OER should be raised to a mark of 4 because the only comment concerning evaluations in the OER is, “Evaluations of division personnel accurate & supported.” This comment does not include any example of performance showing why the Supervisor chose a mark lower than the standard mark of 4 for “Evaluations” as required by the OER Manual. Article 2.E.4.e. of the OER Manual states that OER comments “should amplify and be consistent with the numerical evaluations ... . They should identify specific strengths and weaknesses in performance. Comments must be sufficiently specific to paint a succinct picture of the officer’s performance and qualities which compares reasonably with the picture defined by the standards marked on the performance dimensions in the evaluation area.” Article 2.E.4.d. of the OER Manual states that the Supervisor must “cit[e] specific aspects of the Reported-on Officer’s performance and behavior for each mark that deviates from a [4],” and Article 2.E.4.f. states that a mark of 4 “represents the expected standard of performance. Additional specific performance observations must be included when an officer has been assigned a mark other than a [4].” Because the Supervisor did not include a comment showing how the applicant’s performance failed to meet the written standard for a mark of 4 for “Evaluations,” the mark of 3 should be raised to a 4.

6. Likewise, the Board finds that, as the Coast Guard recommended, the mark of 3 for “Results/Effectiveness” on the disputed OER should be raised to a 4. A comment concerning the applicant’s preparedness notes a failed inspection, but all of the comments that support the mark of 3 in the “Results/Effectiveness” performance dimension are positive or neutral. The OER does not include a comment showing why the Supervisor chose a mark lower than the standard mark of 4 for “Results/Effectiveness” as required by Article 2.E.4. of the OER Manual. Therefore, the assigned mark of 3 in this performance dimension should be raised to a 4.

7. A preponderance of the evidence shows that the marks of 3 that the applicant received for “Evaluations” and “Results/Effectiveness” in the disputed OER are not properly supported by comments showing why his performance did not meet the standards for marks of 4 in those performance dimensions. Therefore, these two marks of 3 should be raised to marks of 4. No other relief is warranted.

[REDACTED]

(ORDER AND SIGNATURES ON NEXT PAGE)

[REDACTED]

**ORDER**

The application of [REDACTED] [REDACTED] [REDACTED] USCGR, for correction of his military record is granted in part:

On his Officer Evaluation Report for the period ending February 17, 2012, the Coast Guard shall raise his numerical marks for the performance dimensions “Results/Effectiveness” (block 3.c.) and “Evaluations” (block 5.f.) to marks of four (4). No other relief is granted.

August 11, 2017

