

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2017-211



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 June 17, 2017, and assigned it to staff attorney [REDACTED] to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated April 6, 2018, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUESTS

The applicant, a former Lieutenant Junior Grade (LTJG/O-2) who was discharged on June 30, [REDACTED] because she had been passed over for promotion twice, asked the Board to correct her record by taking the following actions:

- Remove two Officer Evaluation Reports (OERs)¹ dated [REDACTED] (the second is a Special OER (SOER) documenting her removal from her primary duties);
- Remove all attachments and references to these OERs;
- Remove both non-selections for promotion to lieutenant (LT);
- Void her discharge to reinstate her on active duty; and
- Convene a special selection board to determine if she should be promoted to LT without the two derogatory OERs and, if she is selected for promotion, back date her promotion to what it would be had the OERs not been in her record when she was originally considered for promotion.

The applicant's allegations and arguments appear below the Summary of the Record.

¹ On an OER form, CG-5310B, officers are rated in 18 performance categories on a scale of 1 (worst) to 7 (best). An officer's supervisor enters the marks and supporting comments for the first 13 categories, and the Reporting Officer enters the marks and supporting comments for the final 5 categories, as well as the comparison scale mark.

SUMMARY OF

The [redacted] d from the Coast Guard Academy and was commissioned as an ensign on [redacted]. She reported for her first assignment as the Deck Watch Officer aboard a buoy tender on [redacted]. On her first OER [redacted] received [redacted]s, and one 7 in the various performance categories (on a scale of 1 (worst) to 7 (best)). She received a mark in the sixth spot (of seven) on the comparison scale. On her second OER, dated [redacted] she received one 5, nine 6s, and eight 7s. She again received [redacted] the sixth spot on the comparison scale.

The applicant was promoted to LTJG [redacted] as an LTJG, dated [redacted] she received one 5, ten 6s, and seven 7s in the various performance categories, and a mark in the seventh (highest) spot on the comparison scale, noting that she was the [redacted] reporting officer had ever supervised. On her second LTJG, dated [redacted] she received one 5, seven 6s, ten 7 and another mark in the seventh spot on the comparison scale. Her record contains many positive [redacted] entries related to her service on the buoy tender, noting qualifications she had earned and awards she received and no negative administrative entries.

OER –

On [redacted] the applicant was assigned as an Assistant Combat Systems Officer and a break-in (in training) inport and underway Officer of the Deck (OOD) aboard a large cutter. Her supervisor in this position was the Combat Systems Officer. After several weeks underway, the applicant was assigned as a Tactical Action Officer School for seven weeks and, upon her return, she was moved to be the assistant head of the Operations Department. Her supervisor was the Operations lieutenant commander. Her prior supervisor, the Combat Systems Officer, was transferred from the cutter [redacted]. The applicant was assigned as the Command Security Officer, responsible for safeguarding classified material [redacted] the security program; a Training Officer, over [redacted] of fifteen Trainees [redacted] a break-in Boarding Officer (BO).

On the first disputed OER, dated [redacted], the applicant received four 3s, twelve 4s, and two 5s in the various performance categories and a mark in the second spot on the comparison scale denoting “a qualified officer.” The date she submitted this OER is not entered, but her rating code [redacted]. Positive comments include phrases such as “avoided staffing & duty section gaps during short/busy inport,” [redacted] transit begun early, all documents ready, no delay in evolution,” “frequently addressed the Cutter’s status & navigational picture,” “Mbr sought [redacted] kinds exceptionally well,” “noted [redacted] marked period,” “worked over weekends inport in response to four security incidents, recommended [redacted] follow-up actions were appropriate,” and “maintained extremely positive attitude [redacted] in period” (see enclosed). Negative comments include [redacted] in I/P & U/W OOD period much longer than expected for 2nd tour DWO equal,” “ [redacted] real world [redacted] info. Needs progress for BO.” “untimely review of [redacted] discontent in Dept. Failed to recognize individual strengths, capabilities, & key functions of member within the department [redacted].”

crew; evident [redacted] al process, degrade [redacted] to base some important decisions of [redacted] el w/pro [redacted] d “often focused/stuck on single task, rather than maintaining [redacted]

With her applica [redacted] ant also provided [redacted] [redacted] itted on [redacted]. This is the form that officers prepare for their supervisor to document their achievements prior to the preparation of the OER. (See enclosed.)

Special OER – [redacted]

The second disputed OER covers the p [redacted], and is an SOER [redacted] applicant’s removal from her primary duties. The description of duties on the OER indicates that she had the same official duties during [redacted], except that she was n [redacted] be a Boarding Officer, and she was still a break-in [redacted] derway OOD. [redacted] or signed the SOER on [redacted]; the XO signed it as her Reporting Officer also on [redacted] and the CO, the Reviewer, signed in on [redacted]

The applicant received three 2s, nine 3s, four 4s, and two 5s in the variou [redacted] e categories on the SOER and a mark in the first spot on the comparison scale, denoting an [redacted] isfactor [redacted] ositive comments are “to [redacted] d evaluations seriously, reviewed in [redacted] subm [redacted] d o [redacted] the applicant “maintained a strong work ethic, positive at [redacted] he [redacted] o [redacted] allenging period,” “extremely safety conscious during all operational evolutions. Exercised regularly, maintained healthy diet & showed remarkable stamina during arduous deployment and 8+ hours of break-in watches per/day thru ma [redacted] d [redacted] e conduct on liberty,” and the applicant “showed desire & enthusiasm to succeed” (see enclosed).

The remainder of [redacted] SOER cont [redacted] nts, including “ [redacted] [redacted]] submitted early, but poorly researched. Lost signed/original [redacted] docs prior to [redacted] ide reqd docs at brief, team unable to begin brief [redacted] visor resolved, ref [redacted] ability for loss or inaction,” “grave mishandling of security incident,” “unable to depart fm checklists,” “inability to ID critical info, apply knowledge, & articulate situational awareness continues [redacted] lification in watchstations or increased responsibility, incl OOD & BO, out [redacted] in reasonable timeline. Repeated same mistakes on bridge,” “verbose & stilted verbal delivery of routine reports,” “inability to qualify in primary watchstatio [redacted] in Dept by failing to delegate & schedule a directed security training session until last minute,” and “not r [redacted] or assignment afloat or positions of increased responsibility.”

ndum

On [redacted] d an official, two-page addendum to the [redacted] main contention was that the SOER mischaracterized her performance during th [redacted] n period [redacted]. She stated that the SOER’s “derogatory narrativ [redacted] [her] previous OERs.” She stated that her previous OERs correctly captured her skills, capabilities, and her po [redacted]

officer. She claimed that the scores in the SOER were visceral, excessive, and the result of three factors: “(1) a command climate not conducive to developing or placing [her] in a position to succeed; (2) a lack of sufficient counseling provided by [her] command; and (3) a biased and prejudicial attitude reflected towards [her] by the command.” The applicant stated that the command climate did not develop her or put her in a position to succeed: “The climate was corrosive, intimidating, inconsistent, and micro-managing, which ultimately stunted [her] development and effectiveness.” She stated that her command focused on negative reinforcement, often disregarded and belittled ideas from junior officers, and often ignored various inquiries from the applicant. As an example she stated that her command “summarily dismissed [her] concerns regarding discrepancies in the Access List for the restricted spaces, including the SCIF.”²

The applicant claimed that she was not sufficiently or effectively counseled by the command of the cutter. She stated that any counseling she did receive was negative, contained no practical advice, and was not timely. As an example, she stated that she was counseled at the end of March regarding her [REDACTED], OER and on milestones she was expected to achieve before the end of the cutter’s patrol that May. In addition, she claimed that she was never counseled on some of the purported deficiencies included in the January OER. Lastly, she claimed that she was adversely affected by the command’s prejudicial attitude towards her personally. She stated that her supervisor “routinely” told her that he did not have time to provide her guidance on her qualifications. Her command had assured her in [REDACTED] that she would receive routine mentoring, but that promise “was not followed through with and was ineffective.” Another example she provided of her command’s personal bias against her was that she was once “derided” for following a checklist regarding a particular maneuver and then she was criticized for delaying liberty for holding members accountable for their messy berthing areas. In sum, the applicant stated that the corrosive atmosphere on the cutter stunted her learning and development and led to mischaracterizations on her SOER. She stated that the marks were not supported by her actual performance despite the poor command climate she endured. She stated that “the visceral and derogatory nature of the [S]OER” showed “that the command made a conscious decision at some point to marginalize [her], which resulted in the command dumping numerous purported deficiencies into the OER without properly counseling or providing [her] with an opportunity to correct [her] purported deficiencies.”

The applicant’s supervisor, who was the cutter’s Operations Officer, endorsed the applicant’s SOER addendum with comments on [REDACTED] [REDACTED]³ He stated that the applicant’s performance throughout her time on the cutter had been “well below expectations for a second tour junior officer.” He stated that he provided the applicant with guidance and mentorship “commensurate with her desire to hold command afloat.” He stated that the recommendations she made were often challenged because she would make them confidently but they were based on “false and vaguely referenced policy.” Her credibility with the command was degraded because she failed to correct this behavior despite his telling her multiple times that it is alright to say “I don’t know” or “I’ll

² Sensitive Compartment Information Facility.

³ The original version of the supervisor’s comments included the following: “Her workload was purposely relaxed to account for the learning curve from buoy tender to major cutter operations, and missing six-weeks of the inport period for Tactical Action Officer school, a pre-requisite C school that she failed to attend before arriving despite being homeported on the same base that this training is held.” The applicant obtained confirmation from the training facility that she took the training as soon as possible, and her supervisor therefore took this portion out of his comments.

find out.” He stated the applicant’s performance as a Security Officer was “marginal and she demonstrated a lack of understanding of basic security procedures and incident response.” [REDACTED] He disagreed with her characterization of the command climate and he noted that [REDACTED] junior officers aboard the [REDACTED] and went on to hold positions of high responsibility. [REDACTED]

The supervisor stated that the applicant was provided with a written qualification timeline on [REDACTED], which provided [REDACTED] amount of time to succeed. Despite the “monumental [REDACTED] assist the applicant, he stated, she was unable to respond to real-world situations or to deviate from checklists. She was frequently provided with feedback in order to prepare her for the qualification board, but she attempted to [REDACTED] instead to memorize [REDACTED] references during her watches. He stated that the applicant required extremely detailed direction and follow-up direction on many of her [REDACTED] said that she had un [REDACTED] and was unwilling to accept any personal responsibility [REDACTED] meeting real-world [REDACTED] challenges. [REDACTED]

The Executive Officer (XO) of the cutter served as the applicant’s Reporting Officer for the SOER and provided Reporting Officer’s Comments on her SOER addendum on [REDACTED]. He concurred with her supervisor’s comments and directly addressed three factors from the applicant’s comments [REDACTED] being the applicant’s contention that the command climate was not conducive to [REDACTED] He stated that the applicant was given numerous opportunities [REDACTED] and [REDACTED] underway OOD. He added that every other junior officer was able to complete these qualifications. The watch schedule had been adjusted ship-wide on multiple occasions to ensure the applicant had the best opportunity to succeed. Regarding the applicant’s claim that there was a lack of sufficient counseling, the XO stated that the applicant received “an inordinate amount of direct counseling [REDACTED] and training” from her supervisor [REDACTED] self. He stated all qualified OODs devoted time to assisting her in qualifying. After her first [REDACTED] unsuccessful [REDACTED] inport OOD [REDACTED] He provided additional training sessions with the applicant “in an effort to try to develop her judgment [REDACTED] challenging situations.” He stated that there were at least [REDACTED] eight individual sessions [REDACTED] included feedback. Third, regarding the applicant’s contention that the command had a biased and prejudicial attitude towards her, the XO stated that the applicant had not been “derided” regarding [REDACTED] procedure; however, it was a recurring problem that typified her inability to [REDACTED] judgment vice strictly following a checklist.” He stated that the applicant was never criticized for holding members accountable for messy berthing areas, [REDACTED] as the inport OOD when she delayed the entire cutter’s liberty by an excessive amount of time.” Lastly, [REDACTED] the tone and content of her comments were “indicative of the false confidence and refusal to take [REDACTED] liabilities for her actions as documented” in the SOER. [REDACTED]’s best efforts, the applicant was [REDACTED] sound judgment, situational awareness, and the ability to identify critical information.” [REDACTED]

[REDACTED], the cutter’s Commanding Officer (CO), who was the SOER Reviewer, endorsed [REDACTED] mented on [REDACTED] He concurred with the supervisor’s and XO’s comments [REDACTED] that over the course of his career he had never seen a greater level of caring and effort put into teaching and mentoring [REDACTED]

as he had observed with the applicant and the supervisor and XO. He stated that other junior officers and chief petty officers also put in an exceptional level of effort and were patiently dedicated to developing the applicant. Despite all of the time and effort expended on her, the applicant “failed to demonstrate the leadership, managerial or professional skills” expected of her and convinced the CO that she was simply unable to perform to the standard required of a junior officer aboard a ship.

Applicant’s SOER Reply

On [REDACTED], the applicant submitted a two-page OER reply to the SOER through her chain of command and requested that the reply also be filed with the SOER along with the addendum. She stated that the comments made by her chain of command in response to her addendum, like the SOER itself, mischaracterized her performance during the reporting period. She stated that she stood by her initial assertions in the SOER addendum. In addition, she focused on the “positive things [she] did during this evaluation period that were left out” of the SOER. The applicant discussed various accomplishments she had made during the reporting period.

On [REDACTED], the applicant was not selected for promotion to LT by the active duty LT selection board.

On [REDACTED], the applicant’s supervisor endorsed the applicant’s SOER reply and stated that all of the information contained in her SOER reply was considered for inclusion in the original SOER. On the same date, the XO endorsed the reply as well and concurred with the supervisor. He stated that the performance she discussed in her reply was considered and captured in the marks she received in the SOER. On [REDACTED], the CO endorsed the reply and concurred with the supervisor and XO.

Personnel Records Review Board Proceedings

On [REDACTED] the applicant applied to the Personnel Records Review Board (PRRB), making the same requests as she made to this Board.⁴ In preparation for the PRRB, the Coast Guard solicited declarations from the three officers who prepared the disputed OERs:

1. Declaration of Applicant’s Supervisor, the Operations Officer

The Operations Officer, who signed both disputed OERs as the applicant’s supervisor, submitted a declaration to the PRRB dated [REDACTED]. He stated that he was her direct supervisor from [REDACTED];⁵ that she had failed to demonstrate the critical thinking and problem-solving skills needed for a career at sea; that she was “treated respectfully throughout her tour on [the cutter] and given ample opportunity to excel as a *second tour* junior officer, but required an extraordinary level of supervision to complete routine tasks to satisfaction” (emphasis in original); that her “inability to lead inverted the chain of command at the Department level” of the Operations and Combat Systems Departments during her time aboard the cutter. He asserted that the disputed OERs were a fair and accurate measure of the applicant’s performance and that

⁴ At the time she applied to the PRRB, however, she only had been non-selected for promotion once.

⁵ The applicant claimed that the Operations Officer was not her direct supervisor for this entire period.

many of the bu [redacted] nt included in her [redacted] mplished by others, met basic stand [redacted] failures [redacted] others to step in and correct to avoid cascading negative ef [redacted] at the applicant's ideas and recommendations were taken seriously; however, s [redacted] er own credibility "by re [redacted] g with the XO over policy that she falsely quoted, and [redacted] ng the XO for her [redacted] [redacted] them." [redacted] n his own opinion the command climate aboard the cutter was "nothing short of professional and welcoming."

The sup [redacted] refuted some of the specific allegations the applicant made in her PRRB application. While the applicant claimed that the command on the cutter had distorted her otherwise successful career, the supervisor sta [redacted] ated highly while [redacted] buoy tender and that, out of concern for her wellbeing, he had called her previous supervisor aboard the buoy tender to determine if perh [redacted] ng event had occur [redacted] Her previous supervisor "did not describe her pe [redacted] e same overw [redacted] itive tone of her previo [redacted] e didn't describe her performance to [him] as poor. [redacted] t lead [him] to believe her performance of [redacted] der] was exemplary," only that the applicant was motivated to succeed. The supervisor stated that he concurred with the prior supervisor's assessment of her motivation, as noted in several of his OER c [redacted] e stated that contrary to putting obstacles in the applicant's path, as she claimed, she was [redacted] provide [redacted] teral responsibilities norm [redacted] t of an Assistant Department Head [redacted] ppare [redacted] g c [redacted] bled her room to focus on qualifying as Officer of the Dec [redacted] ou [redacted] e a [redacted]

Regarding the applicant's claim that the command climate was not conducive to develop- ing her [redacted] n to succeed, the supervisor stated that several concessions were made in order to help her qualify as OOD, including adjusting his te [redacted] en "multiple times with [redacted] ability to apply critical thinking and judgment, two of her weakest areas." Although the app [redacted] t also claim [redacted] inadequate cou [redacted] s [redacted] provided her with adequate verbal counseling throughout the marking period, [redacted] memorandum of expectations of realistic goals, an [redacted] OER. He stated that [redacted] t follow-up highlights the requirement to walk her thru every step to accomplish any task." Regarding her contention that the command exhibited a biased and prejudicial attitude towards her, he state [redacted] ority [himself, he] always personally observed the climate aboard [cutter] [redacted] g less than diverse and accepting."

In r [redacted] n that her break-in process took much longer than expected, her supervisor agreed and stated that she was "u [redacted] strate the ability to either apply or articulate sound judgment." As an example he stated that in [redacted], there was a risk of collision during which she [redacted] risk or Rules of the Road situation. [redacted] nappropriately and repeatedly argued" with the XO on the bridge in front of the watch team. Sh [redacted] but incorrectly, repeated her position on what was needed for a certain pr [redacted] cy incorrectly. He also noted a deficiency [redacted] [redacted] processing. He stated that she had failed to forward a member's leave request un [redacted] ehand. [redacted] on why the request was received so late, and this [redacted] partment."

The sup [redacted] ed several areas in [redacted] claimed to have demonstrated exe [redacted] nance bu [redacted] ned were actually performed by other people or were not pe [redacted] ily. The first example was the applicant's claim that she successfully subm [redacted] r the Combat Systems De [redacted] ated that the Department Head was struggling at the tim [redacted] ked-up" so senior [redacted] [redacted] nother n [redacted] ed the recommendations to the Awards Board without any assistance from the applicant. The applicant had also been tasked with calculating and reporting the [redacted] stance" for a n [redacted] or help from another member, and together they miscalcul [redacted] e. The supervisor and a junior officer witnessed and corrected the mistake. Regarding the applicant's access to the SCIF, he stated that the applicant did not automatically have access to the SCIF by virtue of [redacted] ated that her claim [redacted] have automatic access "highlights her unfamiliarity with security procedures." He stated that her predecessor had access to the SC [redacted] d a TS/SCI securi [redacted] y, regarding the applicant's claim that the OOD [redacted] s were vague [redacted] he stated that this claim [redacted] her "limited experience and understanding of the C [redacted] ocess." He stated that the XO had expla [redacted] veral times that board questions "are often crafted to evaluate members' ability to demonstrate sound judgment, communication, and application of training to real-world solutions, not a regurgitation" [redacted] g materials. [redacted]

[redacted] the [redacted] p [redacted] orting Officer

The XO of the cutter, who signed both disputed OERs as the Reporting Officer, signed a declaration for the PRRB dated [redacted]. He stated that he reviewed that applicant's PRRB package and that he stood by the two disputed OERs. He respond [redacted] icular to certain aspects of her allegations. Regarding her low marks, the XO st [redacted] pplic [redacted] were based on her performance as an Assistant Department Head and based on the description in block 2 of the relevant performance category. Regarding her claim that policy was not followed when her supervisor changed, he stated that due to the "nature and timing" of her [redacted] supervisor's unexpected departure it was not possible for a written draft OER to be prepared. In addition, the "relationship b [redacted] at System Department and Operations Department is such that [the supervisor] has a thin grasp on [the applicant's] performance and progress." Regarding her complaint that the command failed to follow the proper timeline for her [redacted], the XO stated that given the underway schedule and the command's uncertainty about how the applicant would react to the [redacted] OER, the rating chain "made a conscious decision to present her with the OER on the first day of a 4 day portcall." That way, if her reaction necessitated sending the applicant back to the United States, it could be easily arranged. Therefore, the XO [redacted] the OER was delayed "in order to provide [the applicant] the best ability to come to terms with it and find a path toward success."

Regarding the applicant's claim that the command's failure to follow policy on timelines hindered her OER reply process, the XO stated that he was informed on [redacted] that the SOER had been vanta [redacted] previous week. When the supervisor received the SOER reply more than a month later on the 20 [redacted] of [redacted] the XO asked him to verify that the SOER reply was submitted within the required timeline. He stated that the rating chain had thirty days from [redacted] to respond to her SOER reply. Had the applicant wanted a reply prior to the Lieutenant promotion board, the XO asserted, she "could have submitted [her reply] to her rating

chain before he [redacted] meline.” Regarding [redacted], the XO stated that the applicant [redacted] factually [redacted] claims about the command climate on the cutter. He stated that [redacted]veys, numerous visits and inspections will all attest to the positive climate ab [redacted]. He also stated that he a [redacted] discussed the applicant’s performance issues as a watch [redacted] an Assistant Depa [redacted] until he [redacted]

[redacted] the applicant’s [redacted] receive proper counseling, the XO stated that she receive [redacted] d amount of performance feedback from [himself], [her supervisor], her peer group of Junior Officers and the Chief Petty Officers onboard.” He gave the following specific example:

[redacted] At the conclusion of her failed inport Officer of the Deck Board on the [redacted] I asked her to [redacted] she fully understood not only the information in her Perform [redacted] Stand- ards (POS) but how to apply that knowledge. My specific recommendation was to take a couple of weeks [redacted] and make sure she was ready before asking for a new board. Less than 20 hours later she was knocking on [redacted] on a Sunday morning wanting to “go over” her [redacted] her previous day’s board. I agreed to meet with her and my first question was for her to explain the difference between a search and an inspection as an Inport OOD (This was a question she was unable to answer during the b [redacted] s day). She was unable to answer this basic question that is in the OOD PQS and is part of the Boarding [redacted] training program. I spent hours working with [the applicant] on judgment and application of basic PQS [redacted] knowledge with marginal results; she would learn how to answer that question, but was unable to manifest [redacted] the [redacted] an OOD and Assistant Department Head.

Regarding the contention [redacted] that the command was prejudiced against the applicant, the XO asserted that he could confidently state that she “was given every [redacted] opportunity to succeed onboard” the cutt [redacted] d [redacted] effort was expended on her to assist her pass qualification and with her duties as Assistant Department Head. He further stated that [redacted] that there was malice towa [redacted] of the Tailored Ship’s Training Availability gunshoot was “completely unfounded.” He stated t [redacted] he was mov [redacted] e her with “a b [redacted] s [redacted]” the XO noted that it was his belief that the Officers and Chief Petty Officers on [redacted] their power to help the applicant succeed. How [redacted] of the “counseling [redacted] ten by her as she attempts to paint a picture of a dysfunctional and unsafe command.” He asserted that she was counseled and corrected [redacted] dozens of times.”

3. Declaration of the CO, the OER Reviewer

The CO of the cutter, who served as the OER Reviewer, signed a declaration dated [redacted] He noted that he directly supervised the XO, who directly supervised the Operations Officer (the applicant’s supervisor). The CO stated that he “strongly believe[d] that the OERs written on [the applicant] accurately reflect her performance during the period of her assignment...and that she was given every opportunity to perform well as an officer and to grow her skills and abilities.” He also believed that she was “afforded superb co [redacted] counseling by two of the most [redacted] thoughtful officer [he had] ever served with,” the supervisor and XO. The CO added that all of th [redacted] a “positive command climate.”

[redacted] stated that he took a personal interest in the applicant’s development and made sure that he was well apprised of her progress via the XO. The CO was kept apprised of the

frequency and [redacted] counseling sessions [redacted] teaching was well beyond what would [redacted] adequate [redacted] stated that he was impressed with the XO and the supervisor's [redacted] cation to the applicant given all of their other duties. The CO stated that the ap [redacted] that the command had a [redacted] dicial attitude towards her was simply not true. While [redacted] Systems Tailored [redacted] [redacted] t was al [redacted] lied. He stated that he did not assign the blame for this failure to the applicant. "More generally, there was simply no reason to be biased against" the app [redacted] he stated, the [redacted] When he learned that one of the new assistant department [redacted] coming from a buoy tender, he was "quite pleased: buoy tender sailors typically bring excellent deck watch officer and ship-handling skills and in general a pragmatic and 'down to earth' approach with them." The [redacted] ed in a positive wa [redacted] plicant upon her arrival.

[redacted] applicant's claim that the command climate was n [redacted] devel- oping [redacted] officer, the CO denied [redacted] that every other junior officer on the cutter develop [redacted] succeeded by any measure. He stated that [redacted] icer was pleased with their follow-on orders, which was a good indicator of their success aboard the cutter. Lastly, the CO noted that the overall command climate was deemed quite positive according [redacted] mous command climate survey results.

[redacted] decis [redacted] ed [redacted]. The board considered the applicant's applica- tion and s [redacted] m [redacted] t [redacted] record, and applicable Coast Guard policy. The applicant's requests to the PRRB were largely the same as to this Board, except that she only had one non-selection at the time so she only requested that the one be removed from her record. [redacted] B [redacted] plicant had included 29 enclosures with her application.

The [redacted] the applicant's primary justification for requesting removal of the two disputed OERs was [redacted] command [redacted] quate support [redacted] b [redacted] dicial attitude towards her." The PRRB found, however, that both OERs contained [redacted] assigned marks. Applicable policy did not allow [redacted] on of performance [redacted] g period, so her command was not able to include comments regarding her performance while she was assigned to the buoy tender. The PRRB found that although the applicant's submission was [redacted] nd thorough, the OERs and supporting declarations support the comments [redacted] values assigned." The PRRB ultimately found that the command carried out their responsibilities in preparing the disputed OERs per Coast Guard policy and [redacted] rary, the OERs reflected an accurate picture of the applicant's performance during the reporting periods. T [redacted] efore failed to provide clear and convincing evidence enough to overcome the presumption [redacted] e regarding the disputed OERs. All four member [redacted] PRRB [redacted] d [redacted] mmendation to not grant relief to [redacted] mmendation was approved by the Coast Guard's Director of Civilian Human Resources on [redacted]

[redacted] applicant was again not selected for promotion to LT. Therefore, by statute, she w [redacted] rged as [redacted]

PRRB Reconsideration

On [redacted], the applicant requested reconsideration from the PRRB due to the addition of [redacted] on. She asserted that the [redacted] was the three declarations the PRRB requested and obtained [redacted] making its decision [redacted] notably a [redacted] when she submitted her initial application because they were created for the PRRB after it requested the statements. In addition, she claimed that she was prevented [redacted] information by way [redacted] the three declarations. She therefore asked the PRRB to re [redacted] totality of her application. The applicant’s arguments to the PRRB have been discussed in the Applicant’s Allegations section, below.

Although [redacted] did not assert this as new evidence as reason for reconsideration, she also submitted a letter to the PRRB from her supervisor aboard [redacted]. The letter is dated [redacted], and was created in response to the supervisor’s [redacted] PRRB declaration [redacted] ally, her previous supervisor [redacted] nded to the section in which the supervisor claimed [redacted] spoken to him by phone to ask if a significant [redacted] ng event had happened to the applicant between tours and that her previous supervisor had not described the applicant’s performance as either poor or as exemplary as her earlier OERs indicate. The [redacted]’s supervisor aboard the buoy tender stated the following in his letter:

[redacted] [the [redacted] on [redacted] occasions regarding [the applicant’s] performance and discussed [redacted] of [redacted] and [redacted] them [redacted] from when [the applicant] served with me. I interpreted the purpose of those calls as a means to identify a cause of the decline in performance that he observed and determine if I [redacted] on that could help improve her performance moving forward. During the conversation, we briefly discussed [the applicant’s] past [redacted] however, in doing so, I did [redacted] c [redacted] accuracy of the marks or comments that those evaluations contained.

On [redacted], the PRRB decided that her request for reconsideration was “not favorably considered.” [redacted] PRRB noted [redacted] no evidence that [redacted] c [redacted] from her chain of command herself before she submitted her application in [redacted] e the statements were reasonably available to her [redacted] itting her application [redacted]

In her application to the Board, the [redacted] complained that she did not receive a “complete and impartial review by [redacted]. She claimed that the PRRB only performed an informal review of her thorough and “comprehensive investigation into the facts of this case” as there was little [redacted] supporting documentation she submitted. She asserted that the PRRB instead only focused on providing the com [redacted] opportunity to “enrich and [redacted] their side” of the story.

and Discharge

The [redacted] leaving the cutter covered the period of [redacted] [redacted] was performing aids to navigation duties in Waterways Management and received [redacted] twelve o [redacted] comparison scale. Her next OER is for the period of [redacted]. She received five 5s and thirteen 6s and a mark in the fifth spot on the comparison scale. On her last OER dated [redacted]

she received two [redacted], and three 7s and [redacted] on the comparison scale. She was ho [redacted] rged on [redacted]

APPLICANT'S A

[redacted] licant st [redacted] ad "suffered a grievous injustice" by the Coast Guard's inclusion of disputed OER and SOER in her military record. She stated that they are unjust and pre [redacted] ed both of her [redacted] advancement to LT. She provided a fifty-one page statem [redacted] ng her time aboard the cutter. She stated that at the heart of her application are four points: 1) her command deviated from Coast Guard policies and procedures; 2) there was a negative command climate stem [redacted] eated as a Junior O [redacted] command destroyed an otherwise successful career. She stated that "more than anything" she wished to be able to continue to serve in th [redacted] ut as a result of the [redacted] was twice non-selected for promotion. She allege [redacted] nd after the di [redacted] her evaluations accur [redacted] assed her abilities and her potential as an officer. [redacted] e respectfully requested that this Board "[redacted] w all the information contained in [her] application" and grant her requests for relief.

Applicant's Explanation of Events

[redacted] ant ex [redacted] hat [redacted] ived on the cutter, she was initially assigned to the Comb [redacted] ar [redacted] Sh [redacted] as a gunnery exercise failure which resulted from a "combination of missing key personnel, lack of adequate training, and unfamiliarity with the equipment." While she was on temporary assignment to Tactical Action Officer School, [redacted] e [redacted] age informing her that she was being moved to the Operations Department. She asserted that when she returned from training in [redacted] she did not receive a w [redacted] ion. She stated that she was required to qualify for inport Office of the Deck (OOD) and was [redacted] dule to ap [redacted] cation board on [redacted] b [redacted] ed due to a scheduling conflict. She stated that she underwent an inport OOD [redacted] which was held by the XO, the supervisor, the [redacted] stems Officer, the F [redacted] Damage Control Officer, Health Services Chief, and the Command Senior Chief. She stated that the board lasted about three hours and that she was told she answered "most questions correctly." Sh [redacted] hey wanted [her] to get answers for the question [she] struggled with and pr [redacted] ormation to the XO."

On [redacted] went to the XO's room and asked if he had time to discuss some of the questions she had missed. She stated [redacted] n new answers based on the additional research she had done. She claimed that the XO "refu [redacted] her] answers and told [her] to come back later [redacted] on what he was looking for." On [redacted] pervisor called her into his office and showed her a memorandum of his expectations of her. [redacted] she only received a copy after she departed the ship. The document [redacted] f [redacted] gave her a timeline to successully be [redacted] next OER. She was expected to complete multiple qualifications with "minimal d [redacted] in vary [redacted] l days later, she discussed the board questions ag [redacted] ke more time to prepare to answer questions with twists on them.

On [redacted] the applicant [redacted] her inport OOD with the XO, the supervisor, and the Command [redacted] he was told that she answered about eighty percent of the questions correctly, [redacted] ly was not qualified. On [redacted] the cutter pulled into its scheduled port of call. The applicant [redacted] presented with her [redacted] [redacted] he stated [redacted] counseled only on “the highlights,” which was “essentially that [she] needed to see the big picture around the open ended questions [she] was being asked in order [redacted] he stated that t [redacted] d that she had been working very hard and that he had seen [redacted] progress since January. She stated that the XO said he would personally help her qualify as OOD by meeting with her twice a week for preparation sessions. She asserted that she followed through on this, but he “did not [redacted] intent he would focus [redacted] would be available, or what resources [she] could use to determine the line of questioning he could give [her].” [redacted]

[redacted] t stated that she signed [redacted] but attempted to have the scores adjusted using the [redacted] n of correction as per Coast Guard guidance [redacted] ived from OPM (she provided an email to prove this point). She stated that she was “not looking for straight 6s or 7s, just a realistic assessment in six categories.” She had a meeting with her supervisor [redacted] that she was halfway through presenting the information she had prepared when the XO joined the conversation [redacted] er he came in “he commented [redacted] her] marks would not change.” [redacted]

Th [redacted] ed [redacted] n [redacted], she met with the XO to prepare for an inport OOD board. The questions the XO used were subjective questions that he felt were of benefit to the applicant. The applicant complained that there “was no syllabus to refer to, no goals, and no [redacted] p [redacted] s that were identified to focus on [redacted]. As a result, she asserted, it was impossible to document any progress she was making. She stated [redacted] ver provided with any do [redacted] ng that she was being formally counseling during these sessions. She stated that at the end of [redacted] she was i [redacted] and the supervisor [redacted] i [redacted] and there was not enough underway time left for her to get qualified. She stated [redacted] n [redacted] n [redacted] gage with the XO to attempt to qualify as inport [redacted] e told her that “he v [redacted] d [redacted] have time to continue the sessions.” In addition, the applicant added that the teaching methods employed by her command were unsuccessful. She acknowledged that Section 5.A.2.d.(1)(k) of the [redacted] s, Evaluations & Promotions manual, COMDTINST M1000.3A (hereinafter [redacted] Manual”), states that officers assume “ultimate responsibilities for managing their own performance, notwithstanding the responsibilities assigned to others in [redacted] t stated that she took these responsibilities seriously, which is why she did everything she could think of to attend [redacted] constructive feedback from [redacted] her chain of command so that she could become qualified and meet her [redacted] expectations. [redacted]

[redacted] the applicant was informed by the XO and the supervisor that she was being removed from [redacted] the Assistant Operations Officer and was receiving a SOER. She claimed [redacted] to read it” and when she asked questions [redacted] [redacted] sonal life “which had no relevance to [her] situation.” She stated that she was told [redacted] tic about [redacted] promoted to LT or assigned to a ship ever again. [redacted] command was not aware of or did [redacted]

not care about [redacted]s she did between [redacted] because she “was never given the opportunity to provide a [redacted] form for this period.”

The [redacted] highlighted her many achievements [redacted] ving the cutter. She discussed at length the OERs she [redacted] subsequent assign[redacted] [redacted] Board to [redacted] eration the letters she provided from members at her subsequent commands (discussed below).

Disproportionate [redacted]rks in Disputed OERs

The applicant stated that she received [redacted] of her disputed OER [redacted] at the OERs are “inaccurate, unjust, and inconsistent” and that they mischaracterize her performance while she was assigned to the cutter [redacted] Article 5.A.2.c. of the [redacted] ch states that in filling out the OER, “strict and co[redacted]herence to spe[redacted] of the standards is esse[redacted]ing the purpose of the evaluation system.” She stated [redacted] 2s and 3s she received, several of the below [redacted]rks were unsupported by specific examples as required by the OER instructions. In addition, as explained further in the section below, she claimed that many of the comments were inaccurate and “taken out of context.” The applicant complained that her evaluations were “inconsistent and arbitrary.” She stated [redacted] she received [redacted]w marks due to one or two [redacted]. For example, when she received her [redacted], she [redacted] that [redacted] the marks she did because she had yet to qualify as OOD. [redacted] te [redacted] he [redacted] ving an SOER because she had not qualified. She argued that it would make sense to receive a low mark in professional competence due to not qualifying as an OOD, but not in multiple categories across the OER. The applicant asserted [redacted] r [redacted] OER her command recognized and credited less than sixty percent of her accomplishments that she had listed in her OSF. Of the [redacted] discussed, she stated, some [redacted] visted and used against her.

[redacted] ant argued that her below-average marks are unjust and should have been marks [redacted] or Using Resources (in which she received a 4 in [redacted]), she stated that in [redacted] that she was the Command Security Officer for a 120-person unit and in addition to her other responsibilities she was able to have Personal Security Clerks manage Visit Requests so that 50 Navy crew members could be on the cutter at one time. For Evaluations (in which she received a 4 in [redacted]), she stated that she marked a Petty Officer and provided him with fair and accurate written comments as his supervisor. She also reviewed eleven evaluations [redacted] which were acted upon, before forwarding them up the chain of command.

Inaccurate Comments in Disputed OERs

The applicant [redacted] the two disputed OERs did not appropriately capture her contributions to [redacted] accurate comments. She pointed out that [redacted] states that CO’s “must ensure accurate, fair, and objective evaluations and provide [redacted]pers under [redacted] there is a professional standard that is expected when [redacted] e subordinates, which she did not receive. She asserted that many of the marks came as a complete surprise to her [redacted]

majority of the comments are “vague, non-specific, and impossible to fully respond to.” The applicant stated that when she asked for clarification so that she could improve her performance, her chain of command was “not very forthcoming.”

For her [REDACTED], OER, the applicant made the following assertions:

- “Break-in I/P & U/W OOD period much longer than expected for 2nd tour DWO requal.”
 - The applicant stated that this minimizes the qualification process she was required to follow. She stated that instead of re-qualifying, she was required to start over “as if [she] had no prior qualifications.” She stated that she completed both the requalification (typically five pages) and the full qualification packages (typically over 160 pages) before requesting a board. She stated that she faced delay in completing these packages because she needed signatures from the XO and the supervisor, who both had busy schedules, and because she spent seven weeks attending training off of the cutter.
- “Needs progress for BO [Boarding Officer].”
 - The applicant argued that this comment has “no place in this OER.” She stated that she reported to the cutter with the prerequisites to fill the role of a boarding team trainee. She had passed the weapons requirements and had attended six weeks of law enforcement training. She claimed that the command had “prevented her from participating in any Law Enforcement Interdiction off of the cutter until [she] qualified as an underway OOD.”
- “Written work quality is marginal for 2nd tour JO & required frequent revision & redirection to guidance; examples include training board minutes memos, relief letters, a thank you letter for military support groups, & ship-wide integrated drill cards.”
 - The applicant stated that this is “vague, unclear, and potentially inaccurate.” She stated that when she submitted drafts to the supervisor she “was almost always required to make major edits.” However, she stated, when she submitted work to her prior supervisor, the XO, or the CO, her work was “typically accepted.” She claimed that the above comment makes it appear as though all of her work contained errors, which was not accurate.
- “Untimely review of leave & training requests, led to discontent in the Dept.”
 - The applicant stated that she was “not entirely sure what [her supervisor was] referring to here.” She stated that she had had a conversation with him regarding a BM3 who wanted to take leave in December [REDACTED] and he felt that the applicant should have sent this leave request sooner. The applicant stated that the BM3 received his leave approval and he was “delighted to be granted leave.”
- “Failed to recognize individual strengths, capabilities, & key functions of members within the department & rest of crew; evident during slow qual process, degraded credibility.”
 - The applicant stated that this is “vague and nonspecific.” She had three specific issues with this comment:
 - She stated that she did recognize the strengths of the crew members by reaching across departments and obtaining information for assignments and

ations. She noted [redacted] B highlights this fact as [redacted]. [redacted] stated that her supervisor had commented earlier in this OER that she [redacted] had taken an unscheduled [redacted]. She stated that she came into a [redacted] with forty-nine [redacted] [redacted] coming from a department with twenty-nine personnel. She asserted that she “did not receive direction from [her] supervisor on who [she] should [redacted] cause he did not have time to guide [her].” [redacted] stated that initially her qualification process did not progress slowly when it is taken into consideration that she was away at training for seven weeks. [redacted]

- “Mbr is always self-assured, though failed to base some important decisions on fact or counsel w/ proper source.”
 - She stated that this includes no specifics “on what decisions [she] failed to address properly.”
- The applicant “made good use of checklists & excelled during scripted evolutions but recovered slowly when required to depart from established sequence.” [redacted]
 - She stated that she was not sure which evolutions her supervisor was referring to. [redacted] does not list them. [redacted]

• [redacted] provided with written expectations to gain recommendation/complete for desired future [redacted] assignments.

- She stated that the [redacted] rate. She did not receive written expectations when she started in the Combat Systems Department in [redacted] or when she was transferred to the Operations Department in [redacted]. In [redacted], ten days before the end of the OER period, she was shown a list of qualification expectations, but she did not receive a physical copy of the list at that time. She asked for a copy but did not receive one until after she left the cutter in [redacted]. [redacted]

For her [redacted] SOER, the applicant made the following assertions. [redacted]

- “Navigation brief for transit into [redacted] [was] submitted early, but poorly [redacted].”
 - The applicant stated that she was unclear as to how this brief was considered poorly researched. [redacted] stated that she utilized weather forecasts and tidal information, implemented information from the Husbanding Agent, and worked with the navigator in developing the navigation brief for the [cutter’s] first transit in [redacted] unfamiliar port.” She stated that the fact that it was submitted early meant that there would have been time for the command to send it back to her to develop it more thoroughly if necessary. [redacted]
- The applicant [redacted] original drill docs prior to trng team brief, did not provide reqd doc [redacted] until supervisor resolved, refused [redacted] [redacted] inaction.”
 - [redacted] stated that [redacted] ng Officer to prepare an ITT drill card [redacted] copies of the drill card. Once she made copies, the applicant would put them in an inbox outside of [redacted]. [redacted]

_____ leaders know to _____ individual drill cards. She _____ this prac _____ worked very well and was convenient for everyone. _____ ting, the XO had inquired about the original drill card. When the _____ looked for the original, s _____ ate it. She stated that perhaps someone _____ he original by mi _____ he XO “ _____ front of the rest of the training team and asked if [she] was insinuating he had it.” She said that she was not and she asked the other members _____ one accidental _____ d that they did, so she went to print another _____ he meeting, she checked her room but she never found the original version. She stated that she told the XO this and apologized and said that this would never happen again. She state _____ acci- _____ e original but was afraid to speak up because they did not want to get in trouble after hearing the XO yell at the applica _____

- _____ management & prioritization often delays routing of time critical documents.” _____ while the applicant] took time for personal leisure & having several other options available, showed extremely poor judgment & detachment in delegating a time-critical task to a visibly exhausted BO following arduous LE ops.”

- o The applicant stated that she was not sure what “other options” were being referred to here but she added that she always tried to help whenever she could. She described the documents she drafted for one of her duties. She complained that other junior officers were able to have their “messages released with numerous errors in them. However, [her] supervisor would make edits to what [she] presented him sometimes to _____ es before it was finally approved.” She stated there was no consistency with him – as an example, so _____ e would want acronyms and other times he would not. Regarding _____ tical _____ d that she had completed a document after lunch and brought it to her supervisor, and he asked her to leave it on his desk because he was busy. Before dinner, she checked in with him again and he said he would look at it after dinner. She s _____ ne agreed to participate in a card game “this one time and left 30 minutes into the game to see _____ isor had finished reviewing” the document. He gave it back to her with edits, she made the changes and gave it back to him as quickly as possible.

- “Grave mishandling of security in _____ initiate proper investigation & determine facts before allowing mbrs in _____ art on libo, repeatedly briefed inaccurate account to command.”

_____ is inaccurate. She stated that while she was off of the cutter taking a boarding team fitness test, a _____ t occurred. She asserted that other individuals aboard the ship could have take _____ actions, but nothing happened _____ She stated that about an hour and _____ r the incident she received a phone call and she was told what happened. She the _____ mand and tried to keep them updated “but as the investigation _____ case changed.” She explained the steps s _____ handle the security incident. She stated that the command felt that the _____ ve receiv _____ but she gave them the information as _____

- The applicant provide timely feedback IAW PAC SECMGR directives.
 - [redacted] stated that security training was completed following the incident [redacted] in the previous bullet. [redacted] acknowledged, however, that she could have [redacted] to ensure that the [redacted] that she [redacted] work diplomatically to get two Chiefs who were not getting along to take ownership over the individuals involved in the incident and work [redacted] her.
- “Unable to depart in checklists, even as real world situations req’d divergence from their use.”
 - The applicant stated that this comment [redacted] regarding which real world situations he is referring to.” She stated that when she tried to follow established policies and checklists she was told that she lacked sound judgment. She asserted that checklists are created to “ensure that important steps are not skipped and that [redacted] does not break out. During emergencies a checklist is the one document that ensure anyone can follow through and perform all the tasks needed to guarantee maximum effectiveness.”
- “Full qualification in watchstations of increased responsibility, incl OOD & BO [redacted] reasonable timeline.”
 - [redacted] state [redacted] was [redacted] to take an underway OOD while the cutter was [redacted] was [redacted]’s “ [redacted] an they were inport.
- “Repeated same mistake [redacted] despite frequent intervention by qualified DWOs.”
 - The applicant stated that there are no examples of [redacted] mistakes were.
- The applicant noted that it has been stated that she had an [redacted] reversion of security [redacted] cause she had to be told by her supervisor not to come into the SCIF.
 - She stated [redacted] once again [redacted] “to tell the entire [redacted] [redacted] t previous Assistant Operations Officers had had access to the SCIF on the cutter [redacted] perform their duties as Command Security Officer. [redacted] at the [redacted] Access List had stated that she had access to the SCIF as well as other restricted spaces on board the ship. On the day in question, she knocked on the door to the SCIF [redacted] to talk to her supervisor. When he opened the door, “he [redacted] her] that [she] should not come into the space.” She stated that she remembered that the most recent Access List included her name [redacted] med that she was just trying to pass on a message to [redacted] him. She claimed that at no time did she enter [redacted] cause any type of security incident.
- “Endorsed force protection plan for CO approval w/ significant format errors.”
 - The applicant stated that she endorsed a Foreign Travel and Personal Force Protection Plan for a B1VZ and submitted it to her supervisor. It [redacted] with lots of [redacted] errors. [redacted] endorsed the same document for an MK3 and submitted it through the Engineering Department [redacted] as approved without revisions.
- “Demonstrated poor [redacted] ing subordinates to make multiple non-critical paper edits, taking real world operational concerns out of [redacted]”

- [redacted] drafts submitted [redacted] expected to be perfect [redacted] was “ex [redacted] of any document/message [she] drafted and sub-[redacted] She stated that she was therefore forced to adopt this harsh practice.
- “Abrasive demeanor towards junior watch team members stifled cooperation & effectiveness.” “In a vain attempt to show assertiveness & leadership, [redacted] has become aggressive & demanding toward subordinates, which is uncharacteristic of [the applicant’s] normally positive attitude.”
 - The applicant stated that she “honestly [does] not remember this occurring during a watch.” She stated that she reached out to both her supervisor and the CO for clarification since they both mentioned it in their comments in the SOER. She provided an email from her supervisor dated [redacted], in which he stated that there had been “numerous reports of [her] demeanor becoming abrasive towards junior bridge team members. [She] once repeatedly called for reports from the XO during flight ops, became angry when they didn’t respond when he was on the phone.” Her supervisor stated that he believed this was uncharacteristic of her good character, but that it manifested itself when she was attempting to assert control under pressure and it damaged her reputation and credibility with the team. The applicant stated that if this happened “multiple times” she is unsure why the XO never told her that she was being “abrasive” or why she never received a written reprimand.
- The [redacted] d [redacted] w [redacted] g liberty unnecessarily when she was “trying to be a responsible break-in in port OOD.”
 - The applicant stated that she was unaware that this was an issue until she read this [redacted] a [redacted] DER. She would conduct reviews around the cutter per the OOD direction before liberty was granted. One time she disc [redacted] essy berthing [redacted] ed the members with cleaning up their areas. While this occurred, she stated [redacted] the XO gra [redacted] t of the membe [redacted]
- [redacted] required inequitable consideration for break-in watch assignment to be available to complete to [redacted] gatively impacting multiple other watchstations on board.
 - The applicant stated that she stood the same watch as other break-ins. She said that she did not request or receive any special treatment. She s [redacted] was pulled off of a watch it was to [redacted] errands for [her] supervisor.”
- “Untimely requests for OOD training sessions from supervisors within 30 mins of scheduled [redacted] me to finish trng or prepare for watch; direct conflict w/ CO’s standing orders to OOD, qualified wat [redacted] rted that [the applicant] routinely relieved late.”
 - The applicant stated that [redacted] of an alleged deficiency that she [redacted] are of until she received her SOER. She stated that she was told to meet with the [redacted] week for OOD training sessions. She had to do this around [redacted] to do in order to get qualified. She stat [redacted] [redacted] ntly schedule a session early in the day only to have it cancelled by [redacted] She claime [redacted] ty” to him and if she did not resche [redacted] They usually only lasted around fifteen minutes. She stated that one time a training session was r [redacted]

- The applicant was unable to provide accurate/up to date status of unit trng when requested, several days later provided multiple iterations of incorrect unit drill status report”
 - The applicant stated that she disagreed with the characterization of this statement. She stated that she often entered drill scores into the system and pulled up the drill status reports in a timely fashion. There were times when she could not access the system to the ship’s connectivity issues, but when this occurred she would report the interference to her supervisors.

The applicant had the following responses to comm [redacted] her supervisor and the XO in their responses to the SOER:

- Supervisor’s comment: The applicant’s “recommendations were often challenged due to being made confidently, but based on raise and vaguely referenced policy. Her failure to correct this behavior despite me frequently reminding [her] that it’s ok to say ‘I don’t know’ or ‘I’ll find out’ further degraded her credibility with the Command.”
 - The applicant stated that she would always ask questions and seek advice when she did not know the answer. She stated that she was never too proud to go to the XO’s mess and ask for advice from the more experienced members. She highlighted various comments from the letters written on her behalf, discussed below.
- The XO’s comment: “The tone and content of [the applicant’s] addendum are indicative of the false confidence and refusal to take responsibility for her actions as documented in the [redacted] ([redacted])”
 - The applicant stated that she was not a perfect person or [redacted] officer. However, she had the “right and duty to appeal unjust evaluations that mischaracterized [her] performance [redacted]”

Counseling

The applicant argued that her command failed to properly counsel her or document any counseling sessions prior to providing her [redacted] OERs. She stated that the Personnel and Pay Procedures manual discusses [redacted] ve entries, Form CG-3307s (“Page 7s”), to document positive or negative events in a member’s military file. In addition, Article 5.A.2.d.(1)(b)[4] of the Office [redacted] shall encourage the use of an Officer Support Form (OSF) which is “required for ensigns and lieutenants (junior [redacted]) to note important aspects of the reported-on officer’s performance during the reporting period. Significant [redacted] s, problems, achievements, shortcomings, or [redacted] ed.”

The applicant [redacted] ous claims were made against her yet there was no written documentation [redacted] any counseling other than the OERs in question. [redacted] tive Page 7s in her military record and the only time she submitted an OSF was in [redacted] for her [redacted] that did not have the opportunity to submit an OSF [redacted] ER (SOER). The applicant stated that a comment made by the Operations Officer, who was her second direct supervisor [redacted]

cutter, in his declaration to the PRRB clearly demonstrates that he did not follow policy. The comment is “[the applicant] claims to have received ‘a lack of counseling.’ I provided [the applicant] with adequate verbal counseling over the marking period, followed up with a written memo of expectations to provide realistic goals.” The applicant stated that she was shown this expectation timeline/guideline on [REDACTED] by her second supervisor seven months into her second tour and four months after her transfer into her supervisor’s department. She stated that she did not receive a copy of the timeline until after she left the cutter in [REDACTED]. She provided an email dated [REDACTED], in which she asked her supervisor for a copy of the qualification timeline that they had discussed “several months ago.” The same day, the applicant received an email back from him with an attachment of a memorandum with the subject line Expectations of Performance dated [REDACTED].

Given all of the alleged serious deficiencies the applicant suffered from, she argued that there should have been ample documentation in her file prior to both her regular and the Special OER. Had she been properly counseled along her tour aboard the cutter, she argued, she would not have been surprised by the negative marks in the multiple categories in her SOER.

Failure to Follow Policy

The applicant claimed that her command failed to follow several additional policies during her time on the cutter. The first is that her command failed to follow the proper policy when there was a change in supervisors. The applicant noted that Article 5.A.2.d.(1)(b)[9] of the Officer Manual states that an outgoing supervisor must provide the “incoming supervisor a draft of the supervisor portion of the OER when the supervisor changes during a reporting period. The draft may be handwritten and shall include marks and comments...for the period of observation. It shall be prepared and signed by the departing supervisor prior to departure.” The applicant stated that to the best of her knowledge this never happened when she was transferred from the Combat Systems Department to the Operations Department. She asserted that this transfer could have been an opportunity for her to “receive a form of mid marks (highlighting [her] strengths and weaknesses) and a written job description with [her] new duties and expectations.”

The applicant argued that her command failed to follow proper timelines for her January OER. According to Article 5.A.2.d. of the Officer Manual, the rating chain is responsible for “timeliness of reporting.” She stated that the OER instructions state that:

10 days after the period: the Supervisor sections of the OER are due to the Reporting Officer. 30 days after the period: the Supervisor and reporting Officer Sections are due to the Reviewer. After the reviewer signs the OER, Reported-on Officer reviews the OER and signs in Section 1.b. 45 days after the period: OER due to CGPC for review and entry into the official record.⁶

She stated that her supervisor, reporting officer (the XO), and reviewer (the CO) all signed her OER on [REDACTED]. Therefore, they failed to follow Coast Guard policy, as the OER is dated [REDACTED]. She asserted that the supervisor and Reporting Officer sections should have gone to the Reviewer by [REDACTED], at the latest. And she should have “been afforded the opportunity to review and sign the OER shortly afterwards.” She stated that she was not shown

⁶ See also Officer Manual, Articles 5.A.2.d.(2)(b)[8], 5.A.2.d.(3)(b)[5], and 5.A.2.d.(4)(b)(6).

her OER until [redacted], which was three [redacted] [redacted] to have been sent to CGPC. She [redacted] command [redacted] genuinely trying to help [her] develop, improve, and succeed [redacted] to notify [her] of any deficiencies [she] had as soon as possible and afford [redacted] allotted time in the mark [redacted] take significant improvements.” She asserted that by del [redacted] opportunity to review [redacted] [redacted] could ha [redacted] g on improving her performance.

[redacted] cy that was no [redacted] to the applicant was Article 5.A.7.e.(4) of the Officer Ma [redacted] rates that the “OER reply should be processed by the rating chain to arrive at Commander (CG PSC-OPM-3)...not later than 30 days after the date the Reply was submitted to the supervisor.” The applicant stated [redacted] submission of th [redacted] R reply. She claimed that although her supervisor received her email with the SOER reply, he did not forward it through the chain of comm [redacted] that she sent two fo [redacted] et an update on the status. She received “resistan [redacted] email. At thi [redacted] ed that she asked OPM [redacted] ce because her “supervisors were resistant to endo [redacted] R reply in a timely manner (it was over [redacted] the date it had been submitted to [her] supervisor).” She stated that her command tried to convince OPM that she was not allowed to submit both an OER addendum and an OER reply. “When that did [redacted] command tried to convince OPM that the applicant had been “delinquent time wise.” Sh [redacted] that nei [redacted] ques worked for her comm [redacted] OPM ended up giving them an exten- [redacted] horse [redacted] re [redacted] ed that this delay “unnecessarily affected what [she] was [redacted] fo [redacted] en [redacted] for the LT Selection Board.” She stated that due to the delay, she had to “drastically redraft” her the memorandum because “the positive things [she] accomplished while on [the cutter] and put in [her] OER Reply had yet to go into [he [redacted] [redacted] the OER reply been handled in a timely manner, it would have been in her record and been before the LT Selection Board. She a [redacted] could have resulted in a [redacted] n by the board.

Rate and Mismanagement

The a [redacted] working aboard a national security cutter can be stressful, as the primary focus tends to be law enforcement and drug interdiction. She asserted that each member handles stress differently; “however, po [redacted] from the cutter’s command adversely affected the cutter’s climate and cult [redacted] imed that she attempted to survive in a “negative leadership environment that demoralized, denigrated, and stunted [her] learning and development.” She [redacted] ed the cutter had her constantly on guard. She claimed that the climate issues stemmed from “staffing mismana [redacted] e were “critical staffing shortages in both departments” in which she was assigned, which she [redacted] ings difficult for herself and other crew membe [redacted]

The applicant [redacted] he CO “did not take a vested interest in [her] or show any attempts to [redacted] to the cutter. She stated that he never wi [redacted] [redacted] rstand.” Nor was he present during the sessions she had with the XO; he wasn’t o [redacted] ard, and [redacted] ess towards her qual-ifications. She further compl [redacted] ith any counseling or guidance on her SOER. She stated that after she received her SOER, she walked past the C [redacted]

He greeted her [redacted] he was doing and s[redacted] eat after having received her SOER. [redacted] t he nod [redacted] oh” and walked hurriedly away. She stated that for these re [redacted] ts in his response to her Reported-On Officer’s comments to her SOER, par [redacted] e had “never observed a g [redacted] ring and effort put into teaching and mentoring a junior d [redacted] inaccurate and ins [redacted] [redacted] [redacted]

The applicant claimed that the bridge on the cutter was a “toxic environment that was not con [redacted] g.” She state [redacted] ften impatient on the bridge by nervously pacing back and [redacted] mooring evolutions. She stated that the CO would constantly criticize several members of the command and would frequently interrupt calls when OODs would attempt to provide him with updates. She claimed tha [redacted] [redacted] n the things occur [redacted]

[redacted] d that the XO frequently intimidated her and othe [redacted] s. She stated [redacted] typically try to find so [redacted] oblems herself before calling the XO. She asserted [redacted] upt and impatient style of communicati [redacted] cult for [her] to converse with him.” She stated that her supervisor’s stateroom was directly across from the XO’s stateroom, so the XO would frequently interrupt her conversations with her supervis [redacted] that this occurred so often that she felt like her direct supervisor had become the XO and [redacted] supervi [redacted] t the XO “dominated [he [redacted] R review sessions; [her] direct super- [redacted] le.” [redacted] ed [redacted] often “humiliated [her] during Training Board Meetings.” [redacted] at [redacted] ld [redacted] eports because they were printed in black instead of color, despite the fact that printers were broken and the ship was running out of colored ink. She stated that she was asked by the XO to reserve a room for a training during a port call, and [redacted] [redacted] room he had in mind and he asked [redacted] he should just do it himself. She stated that she did end up reserving a room (she provided email [redacted] o the Board) but she “fel [redacted] when [she] would have to ask him questions.” The applicant made other allegations generall [redacted] ing that the [redacted] impatient, sarca [redacted] [redacted]

[redacted] supervisor, the applicant stated that he “offered ve [redacted] ort in trying to help [redacted] n though he knew that there were struggles.” She stated that he would often use delay tactics with her to avoid seeing her. She complained that he never made arrangements for them to meet on a regul [redacted] s her current or future issues relating to her qualifications or her issues in th [redacted] more generally. She noted that in his response to her Reported-On Officer comments he stated that he provided the applicant with guidance, “yet, [she] distin [redacted] e occasions that he was sorry he could not devote the time to helping [her] with [her] Inport qualifications.” S [redacted] er supervisor was not an effective mentor. In addition, she claimed that he never advocated on [redacted] he XO or the CO “when issues came up.” He di [redacted] t [redacted] n she “was being verbally attacked [redacted] eetings.” She reiterated that she never received written documentation with specific weakne [redacted] ncies with specific actions needed to make progress. The applicant c [redacted] f [redacted] tements about her (discussed above) wer [redacted]

[redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]

As a result of the investigations, the applicant [REDACTED] the conclusion that she could not trust [REDACTED] of command [REDACTED] effective efforts and treatment of her gave the "crew the impression [REDACTED] incompetent, un-trainable, and ineffective as a junior officer."

Mistreatment as a Junior Officer

The applicant claimed that she was mistreated by the command aboard the cutter as a junior officer [REDACTED] that when she arrived [REDACTED] benevolently," but following the failure of the Tailored [REDACTED] Training Assessment (TSTA), she began to be treated unjustly by her supervisor, the XO, and the CO. She stated that this mistreatment escalated as time went on. The first example she gave was that she "encounter[REDACTED] cutter. She claimed [REDACTED] qualifications, which she earned aboard the buoy tender, were disregarded and she was required to complete "a multitude of tasks as if [REDACTED] experience on a cutter [REDACTED] straight out of the Coast Guard Academy." Her [REDACTED] was also "experience [REDACTED] skills and knowledge we [REDACTED] pay grade." Nevertheless, she stated, she was serving [REDACTED] completing her qualifications and becoming [REDACTED] underway OOD. She asked the Board to consider the letters she provided as evidence that she took time to study for the boards and that she was well prepared to become OOD. She stated that she was promoted [REDACTED] and in a timely manner." She had recertified for Basic and Advanced Damage Control in [REDACTED] and passed [REDACTED] Leader Board in early [REDACTED]. She stated that she took an inport [REDACTED] mid-[REDACTED] at [REDACTED] with no difficulty" but her qualification board was delayed until [REDACTED] for [REDACTED] [REDACTED]

The applicant stated that she was told that she had answered most of the answers in the qualification [REDACTED] and [REDACTED] she complained that the "questions [she] missed were primarily hypothetical questions that were asked by the XO." She provided specific [REDACTED] of the questions she was [REDACTED] answers she gave. She claimed that she "appropriately answered many of the XO's subjective and [REDACTED] hypothetical [REDACTED] ir] OOD session [REDACTED] she [REDACTED] proceeded with other qualifications, such as Boarding Officer and Helicopter [REDACTED] [REDACTED] qualified as an inport OOD. She stated that [REDACTED] was extremely in [REDACTED] inport for about two months and underway for about six months.

The applicant further stated that [REDACTED] she received prejudicial treatment in comparison to other junior officers aboard the cutter. She stated that she was inappropriately compared to other officers [REDACTED] cutter] were identical to theirs." In response to the comment that she did not perform at the level of a second [REDACTED] she asserted that her command unfairly compared her against her predecessor, who was a second [REDACTED] on the same cutter. The applicant explained [REDACTED] first and second tour aboard the [REDACTED] of how their tours had differed. Of note, the applicant pointed out that she was in one department [REDACTED] three months before being transferred, and in her next department for only [REDACTED] "naturally removed." She claimed that the [REDACTED] [REDACTED] not living up to their expectations of a second tour officer was "reason enough [REDACTED] or inc [REDACTED] needed not to mentor [her]." [REDACTED] [REDACTED] [REDACTED]

The applicant asserted that other junior officers were able to attain their qualifications through late supervision, and mentorship from their supervisors.” She stated that her superiors wanted them to succeed, and they all went on to have follow-on assignments. She asserted that her career progression was hindered by way of lack of mentorship and guidance. She did not receive meaningful counseling from her superiors.

Applicant's Responses

With her application, the application included numerous enclosures, many of which are incorporated above in the Summary of the Record. The applicant's responses are summarized below.

- The applicant provided a letter from her Member of Congress, who scheduled a meeting with him after she exhausted all of her administrative remedies within the chain of command and after her PRRB appeal was denied. He stated that as a former Service Member himself, he understands “the importance of mentoring junior officers who, with meaningful training and support, are one of our most valuable resources.” During his meeting with the applicant, he found several things troubling. There was “no evidence of documented counseling by the command prior to her assignment to the cutter. The Coast Guard policy allows for both positive and negative performance evaluations and that members in the applicant’s chain of command appear to have failed to have ever submitted an official counseling document into her record and instead waited to employ a final evaluation.

The Congressman stated that the applicant had failed to obtain a promotion to LTJ, despite holding a promotion on her previous unit, and stated that sometimes “a transfer to another unit or ship may provide an opportunity to help an individual obtain a qualification; however, this opportunity was not offered to [the applicant].” Regarding the disputed OERs, he acknowledged that switching billets can result in a member’s evaluations. However, the applicant’s excellent OERs before and after the disputed OERs “directly contrast with the two” she received on the cutter. He stated that this was a pronounced divergence, but categories at which she previously excelled somehow, well below average.” Due to these issues, he respectfully requested that the BCMR consider these discrepancies and afford the applicant a fair review which she strongly feels she did not receive at the PRRB.

- LT B, who served as the commanding officer on the cutter while the applicant was assigned there, stated that he observed her interactions with her colleagues, worked on several projects with her, and some bridge watches with her. He stated that the role she performed was “extremely challenging and arduous.” He stated that as a junior officer to quickly step into a higher position of leadership, directing a full complement of junior officers, including four junior officers across multiple divisions. In his observations, the applicant arrived at a difficult time for any officer because she arrived during the Tailor

Assessment and within one month she was required to organize gun fire briefs and drills for evaluation. He added that her direct supervisor at the time, the Combat Systems Officer, was also newly reported and he rotated off of the cutter shortly after due to personal reasons causing more “pressure and confusion [on] an already challenging assignment.”

LT B stated that the most interaction he had with the applicant was in formulating watch schedules. He explained the challenges and the many missions the cutter was simultaneously involved in and how the applicant was able to spearhead the schedule formation and respectfully resolve disagreements. LT B directly interacted with the applicant as break-in OOD as well. He stated that because the applicant had qualified as an OOD on the buoy tender, the “expectations for [her] were well above the expectations for other junior officers.” LT B stated that the applicant was more than willing, however, to take positions of leadership and assist in any way that she could. Regarding the applicant’s interactions with her subordinates, LT B stated that from what he observed the applicant always appeared “respectful and receptive to their opinions.” He added that the applicant was an extremely hard worker, she had a commendable work ethic, she worked long hours even into her liberty, she kept an upbeat attitude, and she could always be counted on to have a smile or an “energetic greeting regardless of the situation or amount of work at hand.”

- OSCS C, who worked with the applicant aboard the cutter from [REDACTED], stated that during this period, he knew her to be a “hard worker who was always willing to learn from the ship’s Chiefs and crew regarding any and all shipboard duties and responsibilities.” He stated that she was “consistently proactive and assertive in learning all she could regarding inport OOD duties during her break-in duties days with [OSCS C, and they] spent several hours working to complete her PQS and prepare for her qualification board.” He asserted that the applicant had been able to answer almost all of the mock OOD questions they had worked on during preparation sessions, and they had reviewed the few that she was unable to answer. OSCS C stated that he viewed the applicant’s relationship with the Chief’s Mess to be “mutually cordial.” He stated that he and his subordinates worked willingly with her whenever she needed their assistance or input on an assignment.

Regarding the fact that the applicant had been criticized for unnecessarily delaying liberty for the crew after mooring for a port visit, OSCS C stated that in his experience “liberty was delayed at the start of every port visit for a variety of reasons: trash removal, loading of stores, inspections of berthing areas, passageways and common spaces, transfers of detainees and evidence, and quarters were just some of those reasons” (emphasis in original). He stated that if there were any issues as to the status of granting liberty, those issues should have been discussed immediately and not dealt with in an evaluation months later. He stated that in his time working with the applicant, he found her to be a high-energy individual with a good work ethic. He could think of “no reason why she is deserving of the extremely poor evaluation marks she has apparently received. She has been an asset to the Coast Guard in her career and is more than capable of succeeding in her position.”

- The chaplain for the Area Patrol Forces, who met the applicant in [REDACTED],⁷ stated that he believed that the applicant had the “potential and drive to be an outstanding Coast Guard officer. Evaluations from her first assignment attest to this.” He recommended that the Board take administrative action such that the applicant can continue her career in the Coast Guard. He stated that [REDACTED] described her to him as a “diligent, intelligent, young officer who was about to receive a career-ending OER. [The XO] explained that the adverse marks on the OER revolved around her not attaining qualification as an officer of the Deck. When [REDACTED] further explained that there had never been any concerns regarding her integrity or character.” The chaplain stated that he could not help but wonder about the “incongruity between her apparent personal qualities and the performance shortcomings [REDACTED].” He agreed with the XO that it might be beneficial if he was available after the SOER was delivered to the applicant. After the applicant received the SOER, she did request to see the chaplain. “Throughout an extensive pastoral conversation she described work, family, past academic achievement, and her most recent assignment.” The chaplain stated that the applicant was aware of her talents but humble regarding her shortcomings and she had a reasonable account of her reality.

The chaplain stated that he “interrogated” the applicant several times to determine if there had been some “unnamed source of stress at home, at work, or within her circle of family and friends that could account for the learning challenge she faced while working towards OOD.” However, he could not find any such source. He stated that he hoped this Board would “read critically the derogatory OER and associated responses, with attention to the picture it paints of the environment throughout the ship.” He stated that he did not believe that the SOER exemplified the professional standard expected within them, “especially considering the consequences of a derogatory report.” He stated that it contains grave hyperbole and derogatory marks without clearly explaining the marks and blames her for issues such as ship-wide stress and fatigue. The chaplain stated that he has confidence in the command’s good intentions and in the applicant’s capabilities. Based on his own observations, those who would have been most able to coach her “were already burdened by an under-staffed Operations Department.” He stated that when her leaders did have time to teach her, they employed the same teaching techniques over and over again which did not achieve the desired learning outcome. However, he stated, throughout the process the applicant “demonstrated commendable maturity and resilience.” He stated that he believed the applicant has the qualities to become an excellent officer and recommended that the Board grant the appropriate relief.

- CWO M, who served in the [REDACTED] aboard the cutter while the applicant was aboard, stated that in his sixteen-year Coast Guard career, he had never encountered anyone with as much drive to succeed as the applicant. He described her as highly motivated and inquisitive and stated that she routinely asked detailed questions and took notes during training sessions. Despite the many positive traits CWO M observed in the [REDACTED] [REDACTED] stated that she faced “a series of challenges” during her time aboard the cutter which “made it difficult [REDACTED] to succeed in her duties.” He stated that she faced a constant change of personnel, a change of supervisors, a Tailored Ship’s Training Availability evolution, and a “nearly impossible” operational tempo that required qualifications

⁷ He did not state in his letter for how long he worked with the applicant.

“that ar [redacted] en some of the mo [redacted] bard.” After six months abo [redacted] nt was tr [redacted] e Operations Department where she “faced lead- ersl [redacted] ding a vacant Division Chief Petty Officer billet and the retirement of [redacted] enior Chief Petty Officer [redacted] members of the senior enlisted leadership core [redacted] your daily activi [redacted] [redacted] o succee [redacted]

[redacted] M spoke high [redacted] skills and her watch abilities. He acknowl- edged tl [redacted] not do well in a qualification board setting and struggled to use critical thinking skills outside the designed checklist or expected scenario.” He stated that the applicant always seemed to understand [redacted]; to a concl [redacted] with scenarios “out of the norm. He believed that in a real-world situation, the applicant would have been able to “make a deci [redacted] mand would [redacted] l with.” He also believed that her struggles aboa [redacted] ere due [redacted] expectations of a sec [redacted] unior Officer coupled with the extreme [redacted] nd personal demands of a National Secur [redacted]

- CDR W, who was the applicant’s OER Reviewer at her subsequent, fina [redacted], stated that he had observed the applicant for seven months and that she is “a consc [redacted] [redacted] officer who is motivated [redacted].” He stated that she has a personable [redacted] style; [redacted] s [redacted] g junior officer; and that he was happy to have her [redacted] f [redacted] [redacted]
- LT B, who had worked with the applicant for four months [redacted] at her final duty station at the [redacted] o [redacted] discussed her job duties and spoke highly of her contributions to her team. He stated that she was an exceptional performer with [redacted] attitude, strong wor [redacted] erness to learn. She was a welcome addition to his team and had enhanced their un [redacted] overall succ [redacted] [redacted]

[redacted] provided a letter from CDR D, who was her CO [redacted] nder from [redacted]. He stated that he did not understand how, “without an abject failure in leadership, such a dutiful, conscientious and loyal young [redacted] ff [redacted] to the high degree [the applicant] did in [redacted] our..., only to achieve such disheartening failure in her second?” [redacted] when the applicant served under his command on the buoy tender, she flourished and performed exceptionally well. “The character of per [redacted] [redacted] s] evaluation does not align with the caliber of person or officer” CDR D came to know. He noted tha [redacted] the applicant’s disputed OERs are “seriously grave in nature.” He stated that he was “lef [redacted] [the SOER] was assembled requisite to [redacted] r primary duties rather than serve [redacted] rococosm of her performance...; unjust in principle and a product of failure to recognize a [redacted] very character of person we need in today’s Coast Guard.” [redacted]

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

VIEWES OF THE

On [redacted], a Judge Advocate for the Coast Guard submitted an advisory opinion in which [redacted] the findings and analysis [redacted] m on the case submitted by the Coast Guard Personnel [redacted] (PSC), who reco [redacted]

PSC noted that the applicant submitted her application in a timely manner and it should the [redacted] red by the Bo [redacted] PSC also noted that the applicant filed a Reported-on O [redacted] as authorized by policy and submitted an application to the PRRB before seeking correction of her record with this Board, thereby exhausting her administrative remedies.

PSC argued that the applicant’s OER, SOER, and the declar [redacted] for the PRRB all “un [redacted] e applicant’s allegations and provide examples of [redacted] performance [redacted] steps the command to [redacted] er.” PSC asserted that there is no evidence to supp [redacted] al of either of the disputed OERs from th [redacted] record and noted that she made the same arguments in her application to the PRRB where her claim was denied. PSC argued that she failed “to substantiate the claim that the two OERS...are prejudic [redacted]”. Therefore, PSC recommended that the Board deny relief.

ANT [redacted] DN [redacted] VIEWES OF THE COAST GUARD

On November 21, 2017, the Chair sent the applicant a copy of the views of the Coast Guard and invited her to respond within thirty days. The applicant, through counsel, replied on December 17, 201 [redacted] ed [redacted] greed with the Coast Guard’s advisory opinion.

The [redacted] that PSC’s memorandum was “nothing more than a rubber stamp of [the applicant’s] previous [redacted] mand’s er [redacted], e, and prejudic [redacted] b [redacted] on the cutter. She argued that the two OERs should be removed as they reflect [redacted] tal time in the Coast Guard, including her time [redacted] Guard Academy, an [redacted] weighed significantly less than her record prior to and after her assignment” on the cutter. She claimed that the OERs were an anomaly and were not representative of her career. She asked the Bo [redacted] er career as a whole and “fully consider the prejudicial and unfair treatment [redacted] ved at the hands of her ... command.”

Wit [redacted] provided a letter personally addressing the Board. She stated that the entire process of trying to have the disput [redacted] ved from her record has been “nothing more than a rubber stamp of the command’s biased and [redacted] sition, which improperly absolves the command [redacted] y in this case.” She stated that she [redacted] at the Coast Guard seriously considered Coast Guard policies related to counseling and manag [redacted] bilities, the letters she provided written by other members on her behalf, [redacted] plication.

The appl [redacted] hat based [redacted] n of command made to the PRRB, she reformatted [redacted] highlight those inaccuracies. She stated that she felt it was necessary to make sure this Board was able to see this [redacted]

questioned whether [redacted] viewed her revised past [redacted] mention any of her new information [redacted] concerns [redacted] man raised.

The [redacted] noted that after she submitted [redacted] R application she received one last OER (discussed in [redacted] of the Record). S [redacted] from her [redacted] had an excellent chance of being promoted. She stated that other than her time on the cutter, she had an “exemplary record” and had eight “stellar” OERs from [redacted] supervisors. S [redacted] to review all of the evidence she provided and to put her b [redacted] position she would have been in had she not been subjected to the hostile work environment on the cutter.

APPLICABLE REGULATIONS

[redacted] of the Officer Accessions, Evaluations, and [redacted] Manual, (Office [redacted] OMDTINST M1000.3 [redacted] at CO’s “must ensure accurate, fair, and objective [redacted] are provided to all officers under their c [redacted]

Article 5.A.2.d.(1)(b)[9] states that an outgoing supervisor must provide [redacted] supervisor a draft of the supervisor portion of the OER when the supervisor changes d [redacted] reporting [redacted] draft may be handwritten a [redacted] include marks and comments (bullet [redacted] eptab [redacted] p [redacted] vation. It shall be prepared and signed by the departing s [redacted] t [redacted] re [redacted]

Article 5.A.2.d.(1)(c) states that individual officers are responsible for managing their perform [redacted] s [redacted] entails determining job expectations, obtaining sufficient performance feedback, and using that information to meet or exceed standar [redacted] .A.2.d.(1)(k) states that t [redacted] officer “assumes ultimate responsibility for managing their own performance, notwithstanding [redacted] responsibility [redacted] in the rating [redacted] e [redacted] ance feedback is thorough, and that OERs and associated documentation are [redacted]

Article 5.A.2.d.(1)[d] and [e] state that an officer initiates her own regular OER, and submits it along with a listing of signific [redacted] s at least 21 days before the end of the reporting period. And ensigs and [redacted] required to use and submit their input on an OSF.

Arti [redacted] the supervisor must evaluate the performance of the Reported-on Officer in the execution of her duties. Artic [redacted] [5] states that the supervisor must provide “timely performance feedback to the Reported-on [redacted] that officer’s request during the reporting period [redacted] period, and at such other times as [redacted] appropriate.” Article 5.A.2.d.(2)(b)[8] states that the supervisor must forward the OER and the [redacted] ort Form to the Reporting Officer no later than ten days after the end of [redacted] (3)(b)[1] states that the Reporting Officer [redacted] s [redacted] observations, the Officer Support Form, other information provided by the supervisor [redacted] reliable re [redacted] (b)[2] states that the Reporting Officer must desc [redacted] bility and overall potential of the Reported-on Officer for promotion.

Article 5.A.2.d.(3)(b)[3] states that the Reporting Officer must ensure that the Supervisor meets the requirements for the administration of the Officer Evaluation System. Reporting Officers are expected to be supervisors accountable for accurate evaluations. Reporting Officers must return reports on if the supervisor provides unsubstantiated comments. The Reporting Officer cannot direct marks or comments to be changed unless a comment is prohibited by policy. Article 5.A.2.d.(3)(b)[5] states that the Reporting Officer must forward the Report to the Reviewer not later than thirty days after the end of the reporting period. Article 5.A.2.d.(3)(b)[6] states that the Reporting Officer must provide timely performance feedback to the Reported-on Officer at the end of each reporting period “and at such other times as the Reporting Officer determines to be appropriate.”

Article 5.A.2.d.(4)(b)[1] states that the Reviewer must ensure that the Report reflects a reasonable and accurate picture of the Reported-on Officer’s performance and behavior. Article 5.A.2.d.(4)(b)[2] states that the Reviewer may request additional information as necessary to further address the performance deficiencies of the Reported-on Officer which were not otherwise addressed by the supervisor or Reporting Officer. Article 5.A.2.d.(4)(b)[3] states that the Reviewer must ensure the supervisor and Reporting Officer executed their responsibilities adequately under the Officer Evaluation System. Article 5.A.2.d.(4)(b)(6) states that the Reviewer must ensure that the Reported-on Officer received the Report not later than forty-five days after the end of the reporting period. Article 5.A.2.d.(4)(b)(7) states that the Report must be processed by the rating chain “to arrive at PSC not later than the time that the supervisor would have received the Report.”

The Officer Evaluation System Procedures Manual, PSCINST M1611.1A, Article 2.E.4.b. states that the Reporting Officer will review the Reported-on Officer’s performance observed during the reporting period. For each of the eighteen performance dimensions, the Reporting Officer must read the standards and compare the Reported-on Officer’s performance to the performance described in the standards. The supervisor must take care to accurately describe the Reported-on Officer’s performance and behavior.

Article 2.E.4.c. states that the supervisor must include comments that cite specific aspects of the Reported-on Officer’s performance and behavior for each mark that deviates from a mark of 4. The supervisor must draw on his observations from secondary supervisors, and other information accumulated during the reporting period. Article 2.E.4.e. states that the comments must amplify and be consistent with the numerical marks. The comments should amplify specific strengths and weaknesses of the member’s performance and must be “sufficiently specific to paint a succinct picture of the member’s performance and behavior which compares reasonably with the picture defined by the standards marked on the performance dimensions of the evaluation area.”

Article 2.F.2.b. states that the Reporting Officer will review the Reported-on Officer’s performance and behavior and will mark the applicant as compared to the standards. Article 2.F.2.c. states that the Reporting Officer must include comments that cite specific aspects of the Reported-on Officer’s performance and behavior that deviates from a mark of 4.

Article 6.B.4.b. states that the Reported-on Officer is permitted to create an addendum to a derogatory OER to “explain the failure or provide their view of the performance in question.” Article 6.B.4.c. states that once the addendum is completed, the Reported-on Officer forwards the OER and addendum to her supervisor. The supervisor and Reporting Officer must have the opportunity to comment on the addendum but they must endorse the addendum by signature “at a minimum.” They will “then forward the OER and attachments to the Reviewer.” Article 6.B.4.d. states that an addendum must be provided by the Reported-on Officer within 14 days unless an extension was requested and received from PSC. According to Article 6.B.4.f., if no substantive changes are required then the addendum process is complete and the Reviewer signs and dates the OER. The Reported-on Officer must review and sign the OER after the Reviewer has signed before the OER is submitted to PSC according to Article 6.B.4.g.

Article 17.A.3. states that an officer’s OER reply must be submitted to PSC via the original rating chain. Article 17.A.4. states that replies must be submitted to the supervisor “within 21 days from receipt of the validated OER.” Article 17.A.5. states that the OER reply is to be processed by the rating chain and should arrive at PSC no later than 30 days after the reply was received by the supervisor. Article 17.A.7. states that the Reported-on Officer must inform PSC if a validated OER reply has not been received within 60 days from the date the reply was received by the supervisor.

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.
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.⁸
3. The applicant alleged that her [REDACTED] OER and [REDACTED] SOER are both erroneous and unjust and should therefore be removed from her record. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed OER in an applicant’s military record is correct and fair, and the applicant bears the burden of proving by a preponderance of the evidence that the OER is erroneous or unjust.⁹ 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.¹⁰ To be entitled to relief, the applicant cannot “merely allege or prove that an [OER] seems inaccurate, incomplete or sub-

⁸ *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).

⁹ 33 C.F.R. § 52.24(b).

¹⁰ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

jective in some sense,” but must prove that the disputed OER was adversely affected by a “mis-statement of significant hard fact,” factors “which had no business being in the rating process,” or a prejudicial violation of a statute or regulation.¹¹

4. Counseling. The applicant has not proven by a preponderance of the evidence that the disputed OERs are erroneous or unjust because of any lack of feedback or counseling from her chain of command. She alleged that her command failed to properly counsel her and to document counseling sessions before providing her with the disputed OERs, and her record does not contain any Page 7s documenting counseling sessions, but documentation of mid-period counseling of an officer is not required and would in fact be detrimental to that officer’s record. The statements and declarations of the supervisor, the XO, and the CO show that the supervisor and the XO provided ample feedback and individual counseling to the applicant during her time aboard the cutter. And the applicant’s own statements show that she received frequent performance feedback and individual counseling sessions. She also received advice and assistance from the Chief’s mess. She complained that the CO himself did not counsel her about her performance, but she has not shown that she was entitled to receive personal counseling from the CO. And there is no evidence that she ever submitted a request for a command mast that was denied by the CO. The fact that the applicant was unable to qualify as an inport and underway OOD on the cutter, which is a fundamental part of a junior officer’s job so that they can stand watches unsupervised, does not prove that their efforts at counseling her were lacking. The Board notes that the many other junior officers aboard the cutter were apparently able to qualify as inport and underway OODs in a timely manner.

5. OER Marks. The Board finds that the applicant has not overcome the presumption of regularity or proven by a preponderance of the evidence that the disputed OERs are unjust or incorrect based on disproportionately low marks or that any of the individual lower marks are erroneous or unjust. She alleged that many of the marks in the disputed OERs are disproportionately low and fail to reflect her actual performance during the rating periods, but each of the low marks on the disputed OERs is supported by a comment with an example of performance showing how she did not meet the written standard on the OER form for a higher mark in that performance category, as required by Article 2.E.4.d. of the OER Manual. The Board cannot conclude—based on the applicant’s self-assessment, other OERs, and the supportive letters that she submitted—that the OER marks assigned by her supervisor and the XO are erroneously low. The rating chain reaffirmed the accuracy of the disputed OERs and their consideration of all aspects of her performance in their responses to her OER addendum, OER reply, and PRRB application. Although the marks are significantly lower than those she received before and after her tour aboard the cutter, her marks on her other OERs do not prove that her performance of her assigned duties aboard the cutter was other than as evaluated by her rating chain. An officer’s performance can vary greatly over time for a variety of reasons not attributable to the chain of command, and watch-standing aboard a [REDACTED] is substantially different than on a [REDACTED] or at a shore unit.

¹¹ *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).

6. OER Comments. The applicant has not proven by a preponderance of the evidence that the disputed OER comments contain “misstatement[s] of significant hard fact.”¹² She alleged that the comments are vague, inaccurate, and prejudicial and that not all of the performance information that she provided in her OSF appears in the OER comments. The comment space on an OER is quite limited, however, and OER comments are not intended to document all of a member’s duties. Instead, the rating chain must use the comment space to enter at least one comment with an example of performance supporting the assigned numerical marks that are better or worse than a standard mark of 4,¹³ and the comments in the disputed OERs meet this requirement. The rating chain provided comments that are sufficiently detailed to support the assigned marks. Although the applicant explained in detail why she thinks the comments are inaccurate or unjust, she did not submit evidence sufficient to overcome the presumption of regularity accorded to her rating chain in writing the OER comments. Both disputed OERs were signed by her supervisor, the XO, and the CO, who each also reaffirmed the accuracy of the SOER three times: once when the applicant submitted an SOER addendum, once when she submitted an OER reply, and once when they provided declarations to the PRRB.

7. Command Climate. The applicant has not proven by a preponderance of the evidence that the disputed OERs are erroneous or unjust because of a negative command climate aboard the cutter. She claimed that a negative “command climate” stemmed from mismanagement but submitted no evidence supporting this claim. The chaplain who wrote on her behalf stated that he repeatedly asked the applicant about particular stresses on the job or at home to try to find the source of her failure but was unable to identify the source. Her prior CO’s conclusion that only an “object failure of leadership” could have led to the applicant’s removal is not based on any personal knowledge of the applicant’s performance aboard the cutter. The [REDACTED] claimed that her job was “extremely challenging and arduous” and CWO M noted that the cutter had an extremely high operational tempo, but this is not evidence of an abusive command climate or evidence that she was unreasonably expected to qualify as an inport and underway OOD. She has not shown that her rating chain’s expectations for her performance were unreasonable given her duties and resources on the cutter.

8. Mistreatment. The applicant has not proven by a preponderance of the evidence that she was mistreated as a junior officer. She asserted that her command ruined her Coast Guard career by, among other things, refusing to qualify her as an inport or underway OOD. She claimed that the members her command and others who sat on the qualification boards arbitrarily refused to qualify her. The applicant was *not* faulted for not trying hard enough, as all stated that she was highly motivated and studied hard. And the XO estimated that they met about eight times for individual training for her OOD qualification. But both the XO and her supervisor stated that she struggled to answer questions concerning possible “real world” scenarios that were not expressly addressed in the written study material or a checklist. Even CWO M, who wrote a supportive letter for her, noted that the applicant had difficulties getting to a conclusion when faced with scenarios “out of the norm” during practice boards. CWO M also stated that he thought she likely would have done fine on the job, even though she did not do well during boards and practice boards, but his guess that she would have succeeded is not evidence that the boards committed error or injustice in refusing to qualify her based on her responses. This Board notes that the XO and the

¹² *Id.*

¹³ Officer Evaluation System Procedures Manual, Articles 2.E.4.e. and 2.F.2.d.

applicant's supervisor were members of one or more of the boards that failed to qualify her as an inport and underway OOD, but other officers also sat on the boards, and she has not submitted evidence from those officers claiming that the boards were unfairly conducted. The Board finds that the applicant has not proven by a preponderance of the evidence that her command arbitrarily refused to qualify her as an inport or underway OOD or that she was otherwise mistreated by her chain of command.

9. Lack of Draft OER. The applicant claimed that her first supervisor aboard the cutter, the Combat Systems Officer, did not provide her second supervisor, the Operations Officer, with a draft OER. Article 5.A.2.d.(2)(b)[9] of the Officer Manual states that when an officer's supervisor changes during a reporting period the "departing supervisor" must "provide the incoming supervisor a draft of the supervisor portion of the OER." Pursuant to this article, an incoming supervisor will receive information about a subordinate officer's performance from a departing supervisor so that information about the officer's past performance will not be lost. In this case, however, the applicant's new supervisor was the Operations Officer, who was not technically "incoming." Like the Combat Systems Officer, the Operations Officer was aboard the cutter and able to observe the applicant's performance during the summer of [REDACTED] before she left for seven weeks of training. And both the Combat Systems Officer and the Operations Officer reported to the XO, who was the applicant's Reporting Officer and who also observed her performance in the summer of [REDACTED]. Her rating chain claimed that the circumstances of the Combat Systems Officer's departure for medical reasons prevented the preparation of a draft OER when the applicant was moved to the Operations Department in [REDACTED]. Under Article 5.A.2.e. of the Officer Manual, when a supervisor's medical condition or other circumstance leaves the supervisor unavailable to properly carry out his OER duties, the CO may adjust the rating chain of the supervisor's subordinates. In light of these rules and circumstances, the Board finds that the applicant has not proven by a preponderance of the evidence that the disputed OER dated [REDACTED] [REDACTED], should be removed from her record based on the fact that her first supervisor aboard the cutter did not prepare a draft OER for her second supervisor. She has not shown that the lack of a draft OER from the Combat Systems Officer constitutes an error under Articles 5.A.2.d.(2)(b)[9] and 5.A.2.e. of the Officer Manual, and she has not shown that significant information about her performance in the summer of [REDACTED] was lost as a result of the lack of a draft OER.

10. Lack of Timely Preparation/Counseling for [REDACTED] OER. The applicant claimed that her [REDACTED], OER was not prepared in a timely manner and that she was not timely counseled on its contents as required by the Officer Manual.¹⁴ Article 5.A.2.d.(4)(b)[6] states that the OER Reviewer shall ensure that the OER is forwarded to PSC no more than 45 days after the end of the reporting period, and the reported-on officer must be shown the OER and sign it before it is forwarded to PSC.¹⁵ The applicant's rating chain signed the [REDACTED], OER on [REDACTED], and they counseled her about it the next day, [REDACTED], which is 48 days past [REDACTED]. The Board has long found, however, that delay in the preparation of an otherwise valid OER does not warrant removing the OER or otherwise correcting an applicant's record unless the applicant can show that she was prejudiced by the delay. Therefore, the question is whether the applicant has shown that her rating chain's three-day delay in showing her the OER prejudiced her, and the Board finds that she has not. The applicant admitted in her application that

¹⁴ Officer Manual Articles 5.A.2.d.(2)(b)[8]; 5.A.2.d.(3)(b)[5]; 5.A.2.d.(3)(b)[6]; and 5.A.2.d.(4)(b)(6).

¹⁵ OER Manual, Article 2.D.2.c.

she was counseled by her supervisor about her performance and his expectations on [REDACTED] and her meetings with the XO to help her qualify as an OOD began soon after she failed a board on [REDACTED]. Therefore, the Board finds that the applicant received timely feedback and counseling at the end of the reporting period for the OER, and she was not deprived of the information she needed to improve her performance between [REDACTED], and the date she was shown the OER, [REDACTED]. The Board finds that the applicant has not shown that her command's three-day delay in counseling her on her [REDACTED] OER prejudiced her in any way. The delay does not warrant removal of the OER or any other correction of her record.

11. Input for SOER. The applicant alleged that she was unable to submit input for the [REDACTED] SOER. The procedures for documenting an officer's removal from primary duties on a derogatory SOER in the OER Manual and Officer Manual do not expressly provide for prior input from the reported-on officer before the rating chain prepares the SOER.¹⁶ Instead, these articles give the reported-on officer the chance to submit an addendum to provide her own view of her performance. Article 5.C.8. of the OER Manual states that "[a]ddendum comments should be performance-oriented, either addressing performance not contained in the OER or amplifying the reported performance." And the rating chain may amend the SOER in response to the addendum, in which case the reported-on officer is allowed to revise the addendum. The record shows that the applicant was allowed to submit an addendum to the SOER in accordance with these provisions, and the rating chain completed their endorsements with comments, as authorized by Article 5.C.2. of the OER Manual, and submitted the reply to PSC on [REDACTED]. Therefore, she has not shown that her rating chain improperly deprived her of the opportunity to provide input for the SOER, and the SOER with her addendum was entered in her record well before the LT selection board convened on [REDACTED].

12. SOER Delay. The Board finds that the applicant has not proven by a preponderance of the evidence that her record was prejudiced before the [REDACTED], LT selection board because her chain of command delayed endorsing her SOER reply. She claimed that her command disputed her right to submit a reply and that she had to rewrite her personal memorandum to the selection board because she had expected her SOER reply, which noted many positive things she had done during that evaluation period, to be included in her record. The rules for derogatory OERs in the OER Manual do not expressly address OER replies, so it was not unreasonable for her command to discuss with PSC whether a reply was authorized in addition to an addendum. Article 5.A.7.e. of the Officer Manual states, however, that an officer "may reply to any OER," even though like addenda, replies "provide an opportunity for the Reported-on Officer to express a view of performance which may differ from that of a rating official." Article 5.A.7.e.(3) of the Officer Manual states that an OER reply must be submitted within 21 days of the officer's receipt of the validated OER from PSC. The date of validation of the SOER is not in the record, but the applicant was allowed to submit a reply on [REDACTED]. Article 5.A.7.e.(4) of the Officer Manual states that the rating chain should ensure that the reply, along with the rating chain's endorsements to the reply, is submitted to PSC no more than 30 days after the reported-on officer submitted it to her supervisor. Therefore, the applicant's rating chain should have completed their review of her SOER reply and their endorsements no later than [REDACTED] and they missed that deadline.

¹⁶ OER Manual, Article 5.A.; Officer Manual, Article 5.A.7.c.

The LT selection board, however, convened on [REDACTED], and so even if the rating chain had reviewed and endorsed her SOER reply by [REDACTED], the applicant's SOER reply would not have been entered in her record before the selection board convened. The Board notes in this regard that according to Articles 5.A.7.e.(5) and (6) of the Officer Manual, PSC had to conduct a "quality review" of the SOER reply after receiving it from the rating chain and before entering it in the applicant's record, and an officer is supposed to query the status of an SOER reply only when 60 days have passed. Therefore, when the applicant submitted her SOER reply on [REDACTED], she could have no reasonable expectation that it would be entered in her record before the LT selection board convened on [REDACTED]. The record shows that the applicant knew that her SOER reply would not be entered in her record before the LT selection board convened and so added the information from her SOER reply to the personal memorandum she submitted to that board. This Board, therefore, concludes that the applicant has not proven by a preponderance of the evidence that her record was prejudiced before the LT selection board by her command's failure to review and endorse her SOER reply within 30 days.

13. The applicant made numerous allegations with respect to the actions of her rating chain. Those allegations not specifically addressed above are considered to be unsupported by substantial evidence sufficient to overcome the presumption of regularity and are not dispositive of the case.¹⁷

14. The applicant has not proven by a preponderance of the evidence that the disputed OERs were adversely affected by a "misstatement of significant hard fact," factors "which had no business being in the rating process," or a prejudicial violation of a statute or regulation.¹⁸ Nor has she shown that her record was erroneous or unjust when it was reviewed by the LT selection boards in [REDACTED]. Therefore, the Board finds no grounds for removing either the OER or SOER; for removing her non-selections for promotion; for reinstating her on active duty; or for convening Special Selection Boards to reconsider her non-selections. Accordingly, no relief should be granted.

(ORDER AND SIGNATURES ON NEXT PAGE)

¹⁷ 33 C.F.R. § 52.24(b); see *Frizelle v. Slater*, 111 F.3d 172, 177 (D.C. Cir. 1997) (noting that the Board need not address arguments that "appear frivolous on their face and could [not] affect the Board's ultimate disposition").

¹⁸ *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).

ORDER

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

April 6, 2018

