

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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2021-017**

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LCDR

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**FINAL DECISION**

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the completed application on December 31, 2020, and assigned the case to the Deputy Chair to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated June 10, 2022, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICANT'S REQUEST AND ALLEGATIONS**

The applicant, a Lieutenant Commander (LCDR/O-4) on active duty, asked the Board to correct his record by removing a derogatory Officer Evaluation Report (OER) covering his service from May 27, 2015, to March 7, 2016. The disputed OER documented his removal from his duties as the Chief of the Waterways Management (WWM) Division at a Sector on the west coast. He also asked the Board to expunge all records indicating that he was removed from his primary duties. Finally, he requested that the Board remove his 2020 and 2021 non-selections for promotion to Commander (CDR) and direct the Coast Guard to convene a special selection board (SSB) to consider his promotion to CDR. If he is selected for promotion, he asked for an adjustment to his CDR date of rank and to receive back pay and allowances.

The applicant, through counsel, stated that he began as the WWM Division Chief in July 2015. Before his arrival at the Sector, he had consistently received high performance marks. Additionally, the applicant had recently completed an Executive Board High Performance Leadership Program and received a master's degree in Organizational Leadership. Once at the Sector, the applicant stated, he oversaw the Vessel Traffic Service (VTS), the Aids-to-Navigation (ANT) Team, and the Waterways Safety (WWYS) Branch.

The applicant argued that he was improperly removed from his primary duties by the Sector Commander, Captain (CAPT) S. On February 1, 2016, the applicant stated, he was told to pack

his belongings and not plan on coming back. Even though the investigation into his removal had not yet begun, the applicant stated that CAPT S told him to work on his resume because he would soon be looking for a new job. Once the investigation was completed, the applicant stated, no evidence of wrongdoing was found. Regardless, the applicant stated that the investigation erroneously alleged that he had created a harmful workplace climate.

The applicant argued that the disputed OER should be expunged from his record because it is erroneous. First, the applicant disputed comments and marks in the performance of duties section of the disputed OER. The applicant argued that the comments do not correspond with the numerical marks. He also contested the following comments:

- “Worked, coordinated projects/tasks well independently, but struggled with management of projects within the division.” The applicant argued that other comments in the OER contradict this statement. For example, he cited the following comment in the potential section of the disputed OER: “collaborated well with experts in their field.” Further, he argued that there is no evidence to support the assertion that he struggled with managing projects within the division. Instead, he argued that there is evidence to show that the quality of his work was excellent. In fact, the applicant argued that his achievements support a mark of 6.<sup>1</sup> However, the applicant did not specify which performance dimension he believed should be raised to a mark of 6. To support his assertion, the applicant provided a long list of accomplishments that he achieved but were not included in the disputed OER.
- “Tasked branch to complete all correspondence for signature prior to departure on 3 wk TDY, on last day in the office changed tasking, deferring signature to Dept Head, wasted efforts & devalued staff.” The applicant argued that he did not task the WWYS Branch to complete any correspondence for signature before his departure for TDY. Instead, he stated, he told the WWYS Branch that he would make himself available to review and sign documents while he was on TDY, for the sole purpose of avoiding the placement of this responsibility on anyone else. He stated that by maintaining this responsibility while he was on TDY, the staff did not have to prepare any documents in advance of his departure. Then, his Supervisor, CDR S, told the applicant that she preferred that he focus on the course material while he was on TDY. CDR S stated that she would review and sign all correspondence that required signature while the applicant was gone. The applicant stated that the WWYS Branch only had to change a total of three signature blocks from his name to his Supervisor’s name. To support his argument, the applicant stated that the WWYS Branch Chief, LT M, prepared documents for him to read on the plane. He argued that this is evidence that he did not task his staff to complete correspondence for his signature. The applicant provided copies of the documents as evidence.
- “Tasked subord to pre-brief slides delivered at daily cmd brief purportedly as professional development opportunity, mbr not directly responsible for info, quizzed mbr on details, significantly increased workload w/o resulting benefits.” The applicant stated that in his first few days as the WWM Division Chief, he was asked detail-oriented questions by the Captain at the morning command brief. He argued that anticipating relevant information

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<sup>1</sup> On an OER form (CG05310A), Coast Guard officers are rated in eighteen different performance dimensions on a scale from 1 (worst) to 7 (best). A mark of 4 means that the officer has met the expected standard of performance.

and being prepared are criteria for outstanding leadership performance. As such, he asked the Assistant WWYS Branch Chief, LTJG R, to provide him with a WWYS Branch pre-brief. The applicant argued that contrary to the comment, preparing the morning brief slides was one of LTJG R's primary responsibilities. The applicant also argued that this pre-brief only took a few minutes, so it did not significantly increase her workload. Finally, he argued that he did not "quiz" the Assistant WWYS Branch Chief, but asked for information that he anticipated the Captain would want to know.

- "Following significant delay in implementing an emergency safety zone waiting for administrative review, facilitated process for Sector to expedite completion of emergency regs in future." The applicant argued that he did not delay the implementation of an emergency safety zone. In fact, the applicant argued that the public was immediately made aware of the danger through a Safety Marine Information Broadcast. Further, he stated that he immediately arranged for an asset to respond on scene to restrict vessel traffic while the emergency safety zone was being drafted. In fact, the applicant stated that CDR S praised his performance in this incident several times. Given his performance on this matter, the applicant argued that a mark of 5 for the performance dimension of Adaptability was too low.

Next, the applicant disputed comments in the communication skills section of the disputed OER. The applicant contested the following comments:

- "Failed to listen to & incorporate changes from feedback by subords & supervisors, & unable to discern key points & appropriately act on them; following multiple conversations with subords & repeated counseling sessions by supervisor failed to change behaviors & work practices, often debated points & shifted blame." The applicant argued that he made every effort possible to evolve and was rapidly incorporating changes from feedback that he received from subordinates and supervisors. Following the applicant's temporary removal from his primary duties, an administrative investigation was conducted. The applicant argued that several findings from the report of the administrative investigation supported his assertion. The most relevant statement was from a redacted email included in the report dated November 20, 2015, that states: "Something to consider—I think he is doing things to improve & is moving in the right direction. Without even talking to [the applicant], there have been very positive changes this week within the branch." In addition, the applicant listed a dozen changes that he made to address the climate concerns to demonstrate that he was listening to feedback from others. For instance, the applicant stated that he authorized the WWYS Branch members to have access to his calendar to provide visibility. He also stated that he implemented weekly run/walks to improve emotional and physical well-being. However, the applicant argued that his efforts to change were consistently rejected. The applicant again cited the report from the administrative investigation to support his assertion. For example, in the Findings of Fact section, the report stated that if the applicant praised his subordinate's work or apologized, the staff felt that he was insincere.

Next, the applicant disputed comments and marks in the leadership skills section of the disputed OER. The applicant contested the following comments:

- “Continually broke trust of staff, created dysfunctional & harmful workplace climate, ultimately demoralizing 3 mbrs of the Branch.” The applicant argued that the dysfunctional and harmful workplace climate existed before his arrival at the Sector. The applicant primarily blamed the dysfunction on LT M. The applicant alleged that LT M demonstrated a significant disinterest and inability to provide the WWYS Branch leadership and guidance. Specifically, the applicant argued that a lack of both written procedures and performance expectation for the WWYS Branch contributed to the unhealthy workplace climate. The applicant also cited the results of a Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey that were released in November 2015. He stated that the results revealed significant climate concerns throughout the Sector. The applicant stated that although the operational disarray and workplace climate concerns existed before his arrival, he took responsibility for the situation. For instance, he stated that he maintained a positive and motivational attitude in order to foster a positive workplace climate. The applicant cited more than 50 emails in which he praised, encouraged, or thanked members of the Sector.
- “Espoused flexible work hrs, but scrutinized calendar & personnel location...” The applicant argued that he supported autonomous work schedules as long as the work was getting done. He argued that there were only three instances in which he inquired into members’ whereabouts, but that these were legitimate questions from a supervisor. To support his assertion, the applicant cited the report from the administrative investigation. As part of the administrative investigation, the applicant was interviewed. The summary of the applicant’s interview states the following in part: “[The applicant] championed autonomy for his personnel.”
- “Requested candid feedback from subords then disregarded & disparaged their attempts...” The applicant argued that this comment is inconsistent with the comment in the communication skills section of the disputed OER that states: “Failed to listen to & incorporate changes from feedback by subords & supervisors...”
- “Spoke of prof dev opportunities for subords but barraged mbrs w/questions on workload & negative impact on productivity leading mbrs to stop looking for professional development opportunities.” The applicant stated that he encouraged his subordinates to devote about 10% of their time to professional development, such as pursuing a new professional qualifications. To support this assertion, the applicant cited nearly a dozen emails and conversations in which he discussed or encouraged professional development opportunities. However, the applicant argued that professional development opportunities differ from volunteer solicitations. The applicant stated that due to the dire state of the WWYS Branch, he suggested that LT M be selective in determining which volunteer requests were approved. For example, a member volunteered to fly to a different state to escort an unstable member home. The applicant told LT M that the volunteer trip provided minimal opportunity for professional development.
- “Repeated micromanagement, disrespect & disregard of efforts led to mission degradation, mbrs contemplated separation from the CG, & resorted to unhealthy coping mechanisms,”

and “productivity severely compromised by micromanagement.” The applicant argued that the comments were erroneous and did not correspond with a mark of 4 for the performance dimension of Directing Others. First, the applicant argued that he did not micromanage members. To the contrary, the applicant argued that he attempted to provide LT M greater ownership of her branch. The applicant argued that CDR S told him that the WWYS Branch Chief role was merely a title and considered him the presumptive Branch Chief. The applicant argued that it is very contradictory for CDR S to dismiss the Branch Chief to nothing more than a title while relieving him for the very type of micromanaging behavior. Next, the applicant argued that he did not disrespect his staff and that he always remained professional. The applicant acknowledged that he was direct in his communication with others. However, he argued that he was never discourteous, unprofessional, or disrespectful. Finally, the applicant argued that he did not disregard his staff. For example, the applicant stated that he was mindful that his staff was understaffed and overworked. As such, he made significant effort to augment the team with Auxiliary and Reserve members.

- “Poor interpersonal skills; interrupted briefings, talk down to mbrs, not engaged in conversations/distracted, & made inappropriate comments on mbrs’ appearance.” First, the applicant argued that he did not talk down to members and that there is no evidence to support this assertion. In one instance, the applicant was accused of telling a subordinate to “get over it” regarding a conflict between the two of them. He argued that even if he said those words, what he said was taken out of context. The applicant argued that his message was to turn the page and look toward a brighter future. Next, the applicant acknowledged that at times, he was distracted. Shortly after arriving at the Sector, the applicant’s father suffered a heart attack. Less than a month later, his mom suffered a heart attack. The applicant stated that he was the only family living near his parents, so he was largely responsible to care for them. He stated that his command knew of his parents’ medical issues and allowed him to take time off. The applicant argued that at the same time, his command was planning his removal. He argued that he was not given the benefit of the doubt and that his command did not consider the extremely difficult period he and his family were experiencing. Finally, the applicant addressed the allegation that he made inappropriate statements regarding a member’s appearance. The applicant stated that there was one instance in which he asked a female member, in private, whether she was in accordance with weight standards. The applicant acknowledged that he could have phrased the question differently by asking her whether she had recently weighed-in. Regardless, he defended his question by stating that he was doing his job. The applicant argued that he did not make any further inappropriate comments regarding members’ appearance.
- “No incentive for team to excel...” The applicant argued that he consistently provided significant positive reinforcement to his team in the form of praise and recognition. For example, he stated that he was keenly aware that the WWYS Branch contributed to the success of Fleet Week. As such, he provided documentation supporting their contribution so that those members could receive a Fleet Week Team Award. The applicant argued that successfully advocating for the WWYS Branch to receive the Fleet Week Team Award was indicative of his unrelenting commitment to ensuring his personnel were properly recognized for their hard work.

- “...edited docs adding no substantive content/corrections, called other sources to verify accuracy of info received from subords, not receptive to honest responses to tasking (specifically if a member was not able to complete task).” The applicant acknowledged that he edited documents and spoke with others to verify the accuracy of the processes that were being established. However, the applicant argued that his actions were necessary, appropriate, and substantive. He argued that when he arrived at the Sector, marine event permitting procedures were lacking and needed to be newly generated. The applicant stated that he contacted various people throughout the process. For instance, he called a representative from the local Civil Engineering Unit to coordinate/verify proper procedures for the National Environmental Policy Act aspect of marine event permitting. The applicant argued that these calls were well within his authority. He also argued that he had reservations about simply trusting the information he was provided because he was being presented with contradictory information. For instance, LT M reported to the applicant that the unit issued between 1200 and 1300 marine event permits a year. However, the Waterways Branch Marine Events Coordinator reported that there were only 675 marine events permitted in 2015. The applicant concluded that the number provided by LT M was wrong and exaggerated by several hundred. Finally, the applicant provided a dozen examples of instances in which he believed his input was highly substantive and necessary to protecting life, property, and Coast Guard interests.
- “Adamantly believed subord dwelled on negative & unwilling to change despite subord’s repeated attempts to provide candid feedback in an attempt to improve workplace.” The applicant did not specifically contest this comment. Instead, he cited to the arguments put forth regarding the following comment in the communication skills section of the disputed OER: “Failed to listen to & incorporate changes from feedback by subords & supervisors, & unable to discern key points & appropriately act on them; following multiple conversations w/subords & repeated counseling sessions by supervisor failed to change behaviors & work practices, often debated points & shifted blame.”

Next, the applicant disputed comments in the Reporting Officer comments section of the disputed OER. The applicant contested the following comments:

- “Performance had direct, negative impact on mission accomplishment.” The applicant did not specifically contest this comment. Instead, he cited to the arguments put forth regarding the following comment in the performance of duties section of the disputed OER: “Worked, coordinated projects/tasks well independently, but struggled with management of projects within the division.”
- “Did not demonstrative ability to motivate, create a reasonable office climate or trusting relationships.” The applicant did not specifically contest this comment. Instead, he cited to the arguments put forth regarding the following comment in the leadership skills section of the disputed OER: “Continually broke trust of staff, created dysfunctional & harmful workplace climate, ultimately demoralizing 3 mbrs of the Branch.”
- “Failed to own responsibility for poor climate, during counseling focused on justifying, blaming others & debating actions. Displayed inability to adapt to counseling or sustain

behavior changed.” The applicant argued that when he arrived, the Sector already had serious problems. Nonetheless, he argued that he took full responsibility for the problems. For example, the applicant stated that he developed and implemented numerous initiatives designed to improve morale, cohesion, and organizational effectiveness.

- “Oblivious to personal impact actions had on others; in specific case requested mbr attend 3 wk TDY 3 days prior to convening, mbr took dependent to long-term childcare, ROO abruptly canceled TDY 24 hours later w/o discussion.” The applicant disputed the details of the specific scenario discussed in the comment. He argued that he did not request that LT M attend a three-week course. Instead, the applicant stated that he knew LT M was eager to attend the course. As such, he offered LT M his spot in the course when he thought he could no longer attend due to a medical emergency involving his mother. The applicant stated that he offered LT M the opportunity, but stated that she should only go if it was convenient for her to do so since she had a child. The applicant stated that to his knowledge, it was normal for LT M to leave her child with her dad while she was on TDY. Shortly thereafter, he learned that his mother would be released from the hospital. The applicant contacted LT M and told her that he might still be able to attend the course. LT M cried in response to the news. The applicant stated that LT M informed him that her son reacted strongly to her leaving for three weeks. He suggested that it would be best if he attend the course so that LT M can take more time to prepare her son for the next available course. The applicant argued that although he felt badly for how LT M’s son responded, this was not caused by him being oblivious to the impact he had on others. To support his assertion, the applicant provided a screenshot of the text message exchange between himself and LT M. The applicant texted LT M, “I might still be able to go, my mom seems to be much better. Waiting to hear back from doctor. Would that be ok since u [sic] didn’t get ticket or orders yet?” LT M responded to the applicant, “[LT M’s son] is already hundreds of miles away. So I need to drive back to get him?”

Next, the applicant disputed comments and marks in the personal and professional qualities section of the disputed OER. The applicant contested the following comments:

- “Reminded by subords of outstanding work items; inaction caused subords add’l & last minute work, specifically approval of safety zone/marine event package 3 wks prior to event, ROO did not route package until days before event, burdening subords w/changes to appointments & loss of liberty.” The applicant argued that this allegation is entirely false. He argued that a thorough review of the documents show that on average, he took 2.9 days to review marine event applications. In comparison, the applicant argued that the WWYS Branch staff held marine event applications for 64.1 days before routing for approval. He provided copies of several marine event permits to support his assertion that applications were signed by him within days of receiving. The applicant acknowledged that there was one instance in which paperwork fell off his radar and was delayed a few days. However, he argued that the delay was not due to irresponsibility, but rather a lack of standard operating procedures. In that instance, the application was routed to the applicant for approval on December 1, 2015. A week later, on December 7, he emailed LT M with a minor change to the application. The applicant stated that since he had not heard back from LT M, he followed up with her on December 16. Unbeknownst to him, LT M had already

replied to him on a new email chain. The applicant provided approval for the application the same day, which was 15 days before the event. In addition to a lack of standard operating procedures, the applicant argued that the WWYS Branch lacked internal goals and expectations for processing marine event permits. He argued that he suggested that internal timelines should be created, but that his suggestion was ignored.

- “At times displayed poor judgment in understanding limitations & nuances of CG Captain of the Port authority; questions & expectations of marine event coordinators at times excessive, heightening risk of successful challenge to CG authorities.” The applicant stated that this comment refers to a particular incident in which he attempted to ensure that a proper safety review was conducted. On October 15, 2015, the applicant received an application for an event involving high powered racing vessels. He argued that while a safety review phase normally requires a minimum of sixty days to complete, the event was set to occur two days later. The applicant stated that he approved the event on October 16, but that he had several questions. He argued that these questions were part of a proper safety review as instructed by the Coast Guard. The applicant argued that he was improperly criticized for trying to prevent the unnecessary loss of life and for being concerned about protecting the Coast Guard’s image.

Finally, the applicant disputed a comment in the potential section of the disputed OER. The applicant contested the following comment:

- “While not ill-intended, unable to adapt leadership or management styles. Following numerous counseling sessions & repeated discussions, ROO still failed to recognize or accept responsibility; doubtful ROO will be able to learn from & overcome short-comings to effectively lead in the future.” The applicant did not specifically contest this comment. Instead, he cited to the arguments put forth regarding the following comment in the communication skills section of the disputed OER: “Failed to listen to & incorporate changes from feedback by subords & supervisors, & unable to discern key points & appropriately act on them; following multiple conversations w/subords & repeated counseling sessions by supervisor failed to change behaviors & work practices, often debated points & shifted blame.”

The applicant also argued that the disputed OER should be expunged from his record because it is unjust. The applicant first argued that the disputed OER is unjust because the Sector was in a dysfunctional state before his arrival. For example, he argued that the Sector was understaffed, which led to backlogs and delays. Specifically, the applicant stated that shortly before his arrival, the PDH and ANT Team Officer-in-Charge had been fired. Further, the applicant argued that there was a lack of both written procedures and performance expectations for the WWYS Branch. Finally, the applicant argued that there was a harmful workplace climate that existed at the Sector before he arrived.

The applicant also argued that the disputed OER is unjust because he was not made aware of the concerns regarding his performance until he received the disputed OER. The applicant acknowledged that he had a few conversations with CDR S about climate issues. However, he argued that these conversations were at his request and were never in the nature of counseling. The



applicant argued that according to CDR S, the two of them had counseling sessions on January 8, 21, and 27. He argued that if this were true, allowing only three weeks to improve a serious climate problem and his leadership skills is completely unreasonable. The applicant also noted that on November 15, 2015, his command conducted a “secret meeting” with his subordinates to document his perceived shortcomings. He argued that this meeting was held before his command ever mentioned a word of concern to him. The applicant argued that this action completely destroyed any opportunity he had to improve his leadership and credibility.

Finally, the applicant argued that the disputed OER is unjust because CAPT S had a zeal for relieving Coast Guard leaders. To support his assertion, he provided a copy of an article written by CAPT S. The applicant described the article as a “guide to relieving peopling you don’t like and getting away with it.” In the article, CAPT S states the following: “We must recognize the warning signs of toxic leaders, marshal the courage to correct the problem, and then take the necessary action if these leaders are unwilling or unable to change their modus operandi.” The applicant argued that this inelastic personnel management philosophy abandons the principle of Duty to People and the core leadership tenet of Developing Others. The applicant also submitted a letter from CDR W, a fellow member who was relieved from his duties by CAPT S. In the letter, CDR W stated that he was a victim of CAPT S’s pathetic and abusive leadership. He stated that he had his career ruined by CAPT S’s personal agenda and desire to succeed at the sacrifice of others. CDR W stated that when he arrived at the Sector, CAPT S greeted him with half-a-handshake and stated: “You have some very big shoes to fill!” He stated that at that moment, he felt he would be living in his predecessor’s shadow, would never be given a chance to excel, and was destined for failure. CDR W stated that within three months of his arrival, CAPT S used him as a scapegoat for the climate issues in the department. Further, he stated that CAPT S did not try to get to know him or give him enough time to excel at his job. CDR W stated that while members in CAPT S’s circle of influence might attest that he is an upstanding leader, that is only the case if you accept that the way to success is his way or the highway.

The applicant concluded by arguing that the Personnel Records Review Board (PRRB) committed an error in denying him relief. First, he argued that the PRRB failed to consider his entire application. Next, the applicant argued that the PRRB solely relied on the statements of his rating chain in making a determination. Finally, the applicant contested several comments made by his rating chain in their sworn declarations provided to the PRRB.

To support his application, the applicant submitted 273 exhibits totaling 1,316 pages. Included in his exhibits were more than twenty letters of recommendation. Most of the letters were from members who had served with the applicant before his tenure as the WWM Division Chief, but some of the letters were from members at the Sector where the applicant received the disputed OER. The letters described the applicant as hardworking, helpful, professional, and respectful. Some of the letters acknowledged that the applicant’s communication style could be direct and confrontational, but maintained that he never acted inappropriately or disrespectfully. Many of the letters stated that they were surprised to hear about the allegations against the applicant and that such allegations were inconsistent with their personal experiences with the applicant.

### SUMMARY OF THE RECORD

The applicant was commissioned as an Ensign/O-1 on May 4, 2005. Throughout the course of his career, the applicant primarily worked in the Maritime Prevention field.

On July 9, 2015, the applicant was assigned as the Chief of the WWM Division at a Sector on the west coast.

On November 15, 2015, the Acting Prevention Department Head (PDH) had a meeting with the WWYS Branch regarding the applicant's leadership and wrote a synopsis of the meeting. The WWYS Branch recognized that the applicant had no ill intentions and that he was trying his best. However, the Acting PDH noted that many of the issues discussed were alarming. Regarding the applicant's communication, the following notes were recorded, in part: "doesn't listen; no eye contact; stares beyond them & probably thinking of further questions to ask; only wants answer he wants to hear; cuts people off; doesn't wait for an answer; finishes sentences to provide what he thinks is the answer; during a briefing (upon his request), holds up his hand to stop them from talking." Regarding the applicant's trust, the following notes were recorded, in part: "questions everything; questions people's judgment or output in front of others; doesn't understand MISLE processes or hardships with new MISLE; morning brief slides—expects a briefing every morning and "quizzes" [redacted] on slide; [redacted] spends 3-4 hours per weeks [sic] on all morning brief slides, although she does not work Marine Events; all personnel hours are in calendar, but questions members about where others are." Regarding the applicant's leadership, the following notes were recorded, in part: "doesn't ask for team input when making changes; no incentive for team to provide recommendations—asks too many questions which makes them feel like he is questioning their idea for improvement; makes them feel uncomfortable; treats people as less than he is based on rank; editing everything—products given to him, emails going outside of CG have to be sent to him before sending to industry, community or customers; edits documents even after legal review & approval." The members also detailed the impact of the applicant's behavior, which included considering temporary separation from active duty, loss of motivation, feeling physically sick when coming into work, and crying after work. The WWYS Branch crafted three recommendations for the applicant. First, the branch recommended that the applicant create checklists for routing marine event permits and safety zones until he became more comfortable with the process. Second, the branch recommended that all information be handed to the applicant by 3:00 p.m. the day before so that he could analyze it before the next day's morning brief rather than quizzing members on the morning brief slides. Finally, the branch recommended that the applicant hold weekly meetings to set expectations and realistic goals for the week.

On November 20, 2015, the Acting PDH had a meeting with the applicant regarding his leadership issues and summarized their conversation in an email. The Acting PDH wrote that the applicant was calm, but that he was worried. Initially, the applicant pushed back on some of the feedback. However, once the applicant learned that there was a consensus among the staff, he backed down and listened. Ultimately, the applicant was advised that he needed to put his team before himself, that he needed to establish trust, and that he needed to be careful with his verbal communication and body language. The Acting PDH noted that the applicant was committed to improving his leadership style. In fact, the Acting PDH noted immediate positive changes from

the applicant such as instituting weekly meetings to establish priorities and discuss goal and expectations.

On November 27, 2015, the applicant's Sector received the results of a DEOMI Survey.

On February 1, 2016, the applicant was notified that CDR S had recommended that he be temporarily removed from his primary duties for his poor leadership. In her memorandum, CDR S stated that the applicant single-handedly demoralized three female members of his team who had performed very strongly before his arrival at the branch. She stated that the unprofessional workplace created by the applicant caused members to contemplate leaving the Coast Guard and use unhealthy coping strategies to deal with the stress. CDR S stated that the applicant had been verbally counseled on a regular basis, but that he failed to take responsibility for the climate issues. CDR S stated that two members of the applicant's team attempted to resolve their concerns by speaking directly to him regarding his communication style and the affect it had on others. She stated that the discussions did not have an appreciable impact on the applicant because the members reached out to the Acting PDH for assistance. On November 20, 2015, the Acting PDH spoke with the applicant about the concerns of the members of the WWYS Branch. Specifically, the applicant was told that he needed to establish trust and respect, be conscientious of his verbal and non-verbal communication, and work to develop a collaborative team environment. CDR S stated that the applicant's behavior improved for approximately two weeks, but then reverted back to his old ways. Then, on January 13, 2016, CDR S met with the applicant and a LT at the branch. CDR S asked the LT to discuss a specific situation that bothered her in an attempt to highlight an area in which the applicant needed to grow in his leadership abilities. At some point in the conversation, CDR S was called away for a few minutes. She stated that while she was gone, the applicant told the LT to "get over it." CDR S stated that the applicant failed to understand how his actions affect other members, destroyed any trust built up in that moment, and demonstrated a complete lack of empathy. She stated that while the applicant might not intentionally belittle or marginalize others, he cannot fathom different viewpoints. CDR S stated that she counseled the applicant on at least three other occasions in January regarding his inability to understand, empathize, and motivate his staff. She stated that following each counseling session, she waited to see a positive difference in the applicant's behavior. However, CDR S stated, she had seen no impact. In fact, she stated that the applicant had burdened his staff with additional requirements in an attempt to overcome his shortcomings. CDR S concluded by stating that the applicant's actions had resulted in an inefficient, unproductive, and unprofessional workplace. She stated that she cannot knowingly have such a vulnerability for the Coast Guard. CDR S stated while she would be recommending that the Coast Guard not put the applicant in a leadership position again, she believed that he would add great value in a non-supervisory role that requires linear thought, strict processes, and little personal interaction.

On March 6, 2016, an administrative investigation into the circumstances surrounding the temporary removal of the applicant from his primary duties was completed. The report of the investigation concluded that the temporary removal of the applicant from his primary duties was justified by his actions that created a hostile work environment<sup>2</sup> within the WWM Division and

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<sup>2</sup> According to the Coast Guard Civil Rights Manual, COMDTINST M5350.4, the definition of a hostile environment involves harassment that is so severe and pervasive that a reasonable person would view the environment as hostile, offensive, or abusive.

significantly undermined his leadership authority. Further, the report recommended that the applicant be permanently removed from his primary duties due to his constant and egregious leadership failures. Alongside his removal from primary duties, the report recommended that the applicant receive a Special OER with below average marks in the following performance dimensions: Speaking and Listening; Looking Out For Others; Teamwork; Workplace Climate; Judgment; and Responsibility. The recommendations were based on the following findings of fact:

1. “[The applicant] is smart, analytical, and calculating. He has limited experience directly managing personnel. His personality and poor communication skills create conflict with others.”
2. “[The applicant] did not clearly explain his expectations to the staff of the Waterways Safety Branch.”
3. “[The applicant] constantly and openly questioned the recommendations and decision making of the members of the Waterways Branch. When the staff’s work was vindicated, if [the applicant] praised their work or apologized, the staff felt [the applicant] was insincere.
4. “The staff of the Waterways Safety Branch did not feel they could meet or satisfy what [the applicant] wanted them to do.”
5. “The staff of the Waterways Safety Branch did not feel trusted by [the applicant]. These feelings were a result of [the applicant’s] actions and comments such as constant inquiry of a member’s whereabouts, incessant and unexplained questions about subordinates’ work, and openly “fact checking” the validity of subordinates’ research.”
6. “The staff of the Waterways Safety Branch did not feel [the applicant] considered their welfare or individual goals or objectives when making decisions or assigning tasking. Examples of this include the excessive and unnecessary work-life burden placed on [redacted] to attend Waterways Management School in place of [the applicant], extreme reluctance to allow [redacted] to attend the January 2016 convening of Waterways Management School, and strong hesitation to support [redacted’s] aspirations for further professional development.”
7. “[The applicant] was informed, on numerous occasions, by the members of the Waterways Safety Branch of their issues and concerns regarding his level of trust in and communication with staff.”
8. “Between 20 November 2015 and 01 February 2016, [the applicant] met with and was advised by his superiors on six occasions to build trust with the members of the Waterways Safety Branch by valuing their contributions, limiting the questioning of the staff, and improving the delivery of his verbal and non-verbal communications with him.”
9. “[The applicant] felt that the Waterways Safety Branch staff equated his questions as a lack of trust in their knowledge, skills, and abilities.”
10. “[The applicant] was afforded numerous opportunities to repair and improve his relationship with the members of the Waterways Safety Branch.”
11. “[The applicant] attempted to limit his questions of the Waterways Safety Branch staff’s work to coordinate LAAs and MEPs; he informed the staff that in order to approve each one, he needed to feel the activity was safe.”

12. “[The applicant] made personal attempts to build trust and improve communications with the staff of the Waterways Safety Branch. However, these attempts did not take into full consideration the root cause of the issues and subsequently failed.”
13. “[The applicant] consistently belittled and disrespected the staff through numerous comments and actions. These comments and actions included constant reminders of rank/status when speaking with subordinates, abruptly leaving mid-meeting or mid-sentence without explanation, publicly commenting on subordinate’s weight or appearance, and pitting subordinates against each other.”
14. “[Redacted] felt that [the applicant] discriminated against her based on her gender.”
15. “[Redacted] was trusted by [the applicant] more than the rest of the Waterways Safety Branch staff.”
16. “[The applicant] displayed a double-standard and favoritism towards [redacted].”
17. “[The applicant] consistently disregarded the input and feelings of the Waterways Safety Branch staff.”
18. “The workplace climate within the Waterways Safety Branch was poor which reduced the quality and effectiveness of the staff’s efforts. Many of the staff members have experienced growing physical, emotional, and psychological impacts from the stress created by the poor workplace climate. The impacts include numerous staff members expressing a dread of going into work, [redacted] experiencing a significant emotional breakdown in the workplace, and numerous staff members noticing a marked increase in their alcohol consumption as a coping mechanism to the stress.”
19. “[The applicant] in unaware of and refuses to take any responsibility for the impact his decisions and actions have had on the Waterways Safety Branch staff.”
20. “[The applicant] blames [redacted] for the negative workplace climate within the Waterways Safety Branch.”
21. “This investigation was not able to determine whether or not [the applicant] sexually harassed members of the Waterways Safety Branch. Further investigation may be warranted.”

### ***Disputed OER***

The applicant received a derogatory OER for the period of May 27, 2015, to March 7, 2016, which is the disputed OER in this case. For the section describing his duties, his primary duty is stated as “Waterways MGMT DIV CHIEF.” The description of his duties is as follows:

This OER is submitted under Article 5.A.3.e.(1)(b) on COMDTINST M1000.3A due to sub-standard performance & is a Derogatory OER per Article 5.A.7.c.; officer removed from primary duties on 2016/03/07. Leads 59-person Div (4 Os, 26 Civ, & 30 Pos) incl Vsl Traffic Service (VTS), Waterways Safety branch, & PAC’s largest Aids to Nav team (ANT). Responsible for safety of >135K vessel movements per yr, 1,000+ Marine Events per yr, safety & security zone implementation, & oversight of 584 Aids to Nav. Manages complex waterways in 8 commercial ports. Partners with industry, OGAs, Harbor Safety Committee (HSC) & stakeholders to ensure safe flow of commerce.

For the section evaluating his performance of duties, on a scale from 1 (worst) to 7 (best), he received three “standard” marks of 4 and two above-standard marks of 5. The comments for this section are as follows:

Worked, coordinated projects/tasks well independently, but struggled with management of projects within division; tasked branch to complete all correspondence for signature prior to departure on 3 wk TDY, on last day in the office changed tasking, deferring signature to Dept Head, wasted efforts & devalued staff. Detailed & process oriented: began needed project to document processes for division incl marine event permitting, safety & security zones regs; conducted thorough review of draft TTP, comments provided to HQ incorporated into final. Worked with OGAs to maximize resources, public visibility & authorities: liaised w/Army Corps to remove debris in waterway & hazards to nav; coordinated w/NOAA to ensure new submerged cable updated on chart; coord w/multiple waterway users to determine need for emergency dredging. Tasked subord to pre-brief slides delivered at daily cmd brief purportedly as professional development opportunity, mbr not directly responsible for info, quizzed mbr on details, significantly increased workload w/out resulting benefits. Following significant delay in implementing an emergency safety zone waiting for administrative review, facilitated process for Sector to expedite completion of emergency regs in future. Developed foundational knowledge in waterways management (WWM) mission; researched applicable directives & TTP shared information w/others incl Response Dept personnel to facilitate actions with marine debris & derelict vsls.

For the section evaluating his communication skills, he received one below-standard mark of 3 for the performance dimension of Speaking and Listening and one mark of 5. The comments for this section are as follows:

Failed to listen to & incorporate changes from feedback by subords & supervisors, & unable to discern key points & appropriately act on them; following multiple conversations w/subords & repeated counseling sessions by supervisor failed to change behaviors & work practices, often debated points & shifted blame. Delivered clear presentations/info to a variety of audiences: CG WWM mission overview to Chinese Ministry delegates, operational updates at morning brief. Written work thorough, detailed: email correspondence to public & cmd, award citations, & EPOQ nomination.

For the section evaluating his leadership skills, he received three marks of 2 for the performance dimensions of Looking Out for Others, Teamwork, and Workplace Climate, one mark of 3 for the performance dimension of Developing Others, one mark of 4, and one mark of 5. The comments for this section are as follows:

Continually broke trust of staff, created dysfunctional & harmful workplace climate, ultimately demoralizing 3 mbrs of the Branch. Significant disconnect between words & actions; espoused flexible work hrs, but scrutinized calendar & personnel location; requested candid feedback from subords then disregarded & disparaged their attempts; spoke of prof dev opportunities for subords but barraged mbrs w/questions on workload & negative impact on productivity leading mbrs to stop looking for professional development opportunities. Repeated micromanagement, disrespect & disregard of efforts led to mission degradation, mbrs contemplated separation from the CG, & resorted to unhealthy coping mechanisms. Poor interpersonal skills; interrupted briefings, talk down to mbrs, not engaged in conversations/distracted, & made inappropriate comments on mbr/s appearance. No incentive for the team to excel; edited docs adding no substantive content/corrections, called other sources to verify accuracy of info received from subords, not receptive to honest responses to taking (specifically if mbr was not able to complete task), productivity severely compromised by micromanagement. Adamantly believed subord dwelled on negative & unwilling to change despite subord's repeated attempts to provide candid feedback in an attempt to improve workplace. Evals timely, justified.

The applicant's Reporting Officer indicated that he concurred with the Supervisor's evaluation. The Reporting Officer's comments are as follows:

Performance had direct, negative impact on mission accomplishment. Did not demonstrate ability to motivate, create a reasonable office climate or trusting relationships. Failed to own responsibility for poor climate; during counseling focused on justifying, blaming others & debating actions. Displayed inability to adapt to counseling or sustain behavior changes. Oblivious to personal impact actions had on others; in specific case requested mbr attend 3 wk TDY 3 days prior to convening, mbr took dependent to long-term childcare, ROO abruptly canceled TDY 24 hrs later w/o discussion.

For the section evaluating personal and professional qualities, the Reporting Officer assigned the applicant two marks of 3 in the performance dimensions of Judgment and Responsibility, one mark of 4, and two marks of 5. The comments for this section are as follows:

Pursued prof growth & understanding: obtained WWM Rep & Maritime Transportation Sys Recovery Unit (MTSRU) ICS quals prior to arrival at Sector; spent significant time in VTS to learn mission & authorities; coord numerous mtgs w/port partners to develop understanding & resolve problems incl emergency anchoring near submerged cables & testing of unmanned submersible vsls. Reminded by subords of outstanding work items; inaction caused subords add'l & last-minute work, specifically approval of safety zone/marine event package provided 3 wks prior to event, ROO did not route package until days before event, burdening subords w/changes to appointments & loss of liberty. At times displayed poor judgment in understanding limitations & nuances of CG Captain of the Port authority; questions & expectations of marine event coordinators at times excessive, heightening risk of successful challenge to CG authorities. Took responsibilities as WWM Div Chief seriously, thoroughly reviewed marine event applications & anchor waivers, requested add'l info to clarify, but did not value/incorp counter-points from subords. Respectful & courteous to port partners & public; neat, clean uniform appearance. Maintained consistent workout sched & encouraged same of others.

When compared to other officers of the same grade, the Reporting Officer assigned the applicant a mark for "Marginal performer; limited potential" in the second of seven possible marks ranging from "Unsatisfactory" to "Best Officer of this Grade." The comments for this section are as follows:

Not recommended for promotion. Not recommended for leadership or supervisory positions. While not ill intended, unable to adapt leadership or management styles. Following numerous counseling sessions & repeated discussions, ROO still failed to recognize or accept responsibility; doubtful ROO will be able to learn from & overcome shortcomings to effectively lead in the future. ROO is intelligent, process-oriented, & methodical; well suited for technical position requiring data analysis, compilation or research oriented projects. Collaborated well w/experts in their fields (VTS Director, ANT OIC, ATON Officer). Well suited for independent projects, guided by clear direction/outcomes.

The applicant submitted an addendum to the disputed OER. He argued that while his communication style is direct, he was never discourteous, unprofessional, or disrespectful. In fact, he argued that even when he was confronted with outright disrespect, he always responded with professionalism and tact. The applicant also justified his detail-oriented approach to management by arguing that such attention to detail was warranted. In fact, he stated that such attention to detail was required of his job, and such attention to detail could save lives. The applicant had more than eleven years of prevention experience and was the only member of the staff who held the Waterways Management qualification. It was his opinion that the Sector was regularly dismissing important details and facts. The applicant argued that failing to seek important information solely because a subordinate believes the request to be trivial or felt as though they were being

micromanaged would have been dereliction of duty on his part. Next, the applicant argued that the OER included unsubstantiated facts and unverified statements. For instance, the applicant argued that the comment in the OER that alleged that his inaction on outstanding work items caused a burden on his subordinates and a loss of liberty was false. He stated that a thorough review of documents should show that the vast majority of marine events applications and waivers were approved in a timely manner, and that there were many more occurrences of tardiness on the part of the WWYS Branch. However, the applicant argued that the administrative investigation did not include a thorough review of the documents. Finally, the applicant concluded by arguing that the OER was premature. The applicant stated that he had been told to work on trust, communication, and leadership. He expressed his passion about the assignment, and stated that he would have continued improving if only he had been given a reasonable opportunity to do so.

### ***PRRB Application***

On June 14, 2017, the applicant submitted an application to the PRRB requesting expungement of the disputed OER. The applicant argued that the disputed OER should be expunged because it contains false information. First, the applicant argued that the poor command climate existed due to members being overworked. He argued that he did not receive proper support from the command to address a staffing shortage. Next, the applicant argued that he was never counseled by his rating chain. He argued that his removal from his primary duty was a surprise and that his command did not have the proper documentation to support his relief. Finally, the applicant argued that he his command did not support him while he was dealing with a stressful family situation.

The PRRB gathered sworn declarations from the Supervisor, Reporting Officer, and Reviewer who prepared and signed the disputed OER:

### ***Declaration of Applicant's Supervisor***

The first letter was from the applicant's supervisor, CDR S. She served as the PDH while the applicant was at the unit and continues in that role to this day. She stated that the disputed OER is fair and accurately depicts the applicant's performance. CDR S stated that when the applicant reported as the Chief of the WWM Division, he had a solid professional resume that included both inspection and investigation qualifications. However, she noted that the applicant did not have any field experience. As such, she considered the applicant an apprentice or novice in WWM. CDR S stated that she expected that it would take some time for the applicant to learn his job, but she was confident that he would succeed. She stated that upon the applicant's arrival, the WWM Division was fully functional, and he was surrounded by a successful, positive, and experienced team. As the Chief of the WWM Division, the applicant was responsible for the administration of local field regulations, marine event permitting, coordination with industry partners in several commercial ports, and oversight of the ANT Team. In addition, the applicant was directly responsible for five members. CDR S stated that for the first few months at the WWM Division, the applicant eagerly learned all facets of the job. At the same time, CDR S stated that she became aware of numerous stressors in the applicant's life including buying a house, critical health concerns with both of his parents, and reuniting with his son after living cross-country for many years. She stated that she was fully supportive of the applicant and granted him leave or flexible work as needed.



In mid-October 2015, CDR S went on maternity leave. The Chief of Inspections, a senior LCDR who had been at the Sector for three years, assumed the role of Acting PDH. In early November 2015, the Acting PDH contacted CDR S regarding the applicant. Specifically, the WWM staff had concerns about the applicant's communication style, uncomfortable interactions with him, and his questioning of their decisions and recommendations. After consulting with CDR S, the Acting PDH held a counseling session with the applicant to outline the staff's concerns. According to CDR S, the Acting PDH told the applicant that he needed to change how he communicated and that he needed to trust his personnel. CDR S stated that for a short while, things improved.

Around the same time, the results of the DEOMI survey were released. CDR S stated that there were anonymous comments in the survey that were suspected to be from the WWM Division that detailed a declining climate. It was at this point that CDR S had a meeting with the applicant and LT M. During the meeting, CDR S had asked LT M to describe a situation in which she was bothered by the applicant's actions so that he could have a concrete example of how his actions affected others. At that moment, CDR S was called away on an urgent operational matter. CDR S stated that when she returned, the atmosphere in the room was cold and LT M had shut down. The next day, LT M emailed CDR S about what had happened when she left the room. According to LT M, the applicant stated: "if you're an adult, you'll just get over it." CDR S stated that the applicant failed to grasp the point of the conversation, which was to discuss a situation that bothered LT M and improve the applicant's leadership. She stated that the applicant failed to take responsibility for his actions, attempted to place sole blame on others, and used his position of power to intimidate his subordinates.

CDR S acknowledged that there were many examples of solid performance by the applicant. However, she stated that the applicant overwhelmingly struggled in his job. Consequently, CDR S limited the scope of the applicant's projects, interjected frequently, and limited his engagement with certain stakeholders. On January 27, 2016, CDR S held a meeting with the applicant and directly and clearly stated that he was failing. She stated that the applicant did not understand how his actions were flawed. The applicant insisted that he was a leadership expert since he had a master's degree in Organizational Leadership. A short while later, CDR S was approached by another division chief who stated that a member of the WWYS Branch had confided in him that she had been drinking excessively to cope with work and that she was having anxiety attacks. The member went to a doctor to address her condition. It was at this point that CDR S approached the Deputy Commander and recommended that the applicant be removed from his primary duties. CDR S acknowledged the unfortunate timing given the applicant's personal life, but she stated that his removal was due to his detrimental impact on the staff without any improvement. The Sector Commander initiated an administrative investigation. CDR S stated that the investigation revealed additional information in which the applicant's actions and interactions with members of the WWYS Branch were inappropriate and created a challenging work environment.

To demonstrate the negative impact the applicant had on the division, CDR S stated that two of the applicant's subordinates while at the WWM Division declined to provide him with

character references. CDR S stated that both members expressed their discomfort with the applicant's request because they were negatively impacted by him.

CDR S stated that after the applicant's removal from his primary duties, the WWM Division flourished. She noticed a significant improvement in productivity, even though the staff had been reduced by one member. After the applicant's removal from his primary duties, CDR S stated, she had numerous counseling sessions and discussions with him. She stated that the applicant did not grasp the reasons he had been removed. During the conversations, the applicant continuously placed blame on others or the stresses he was experiencing at home. CDR S stated that while she and the applicant had discussed all of the issues numerous times, he was still asking the same questions and not understanding his role.

CDR S then addressed some of the applicant's specific issues with the comments in the disputed OER. She stated that all of the comments in the disputed OER are fully supported and reflect the applicant's performance and behavior during the reporting period.

CDR S addressed the comment in the performance of duties section that refers to the applicant tasking the branch to complete correspondence before he departed for TDY. She stated that before the applicant left, he tasked the WWM staff to prepare a large number of documents for his signature. CDR S stated that the staff spent all week preparing and two members stayed late multiple days to complete the work. Then, the applicant left the work unsigned on his desk and departed for TDY. She stated that the staff approached her because they did not have guidance as to how to proceed. CDR S recommended to the applicant that she sign for him while he was gone. However, at this point, the staff had already been frantically preparing the work. She stated that the applicant was oblivious to how his actions had affected those around him, and he failed to ask for guidance.

Next, CDR S addressed the comment in the performance of duties section that refers to the applicant tasking a subordinate to prepare pre-brief slides. She stated that the applicant's tasking did not improve organizational effectiveness, but rather led to diminished performance. CDR S acknowledged that the applicant had to be prepared for the morning operations brief. However, she stated that the applicant's tasking demoralized the subordinate who was preparing the briefs. CDR S stated that the subordinate put in a significant amount of time each day to prepare the briefs, but she kept falling short of the applicant's expectations. CDR S stated that the applicant kept changing the requirements and asking different questions, in short, playing "stump the chump" with the subordinate.

Next, CDR S addressed the comment in the performance of duties section that refers to the applicant facilitating a process for the Sector to expedite completion of emergency regulations. She stated that this was a positive comment that supported the mark of 5 in the performance dimension of Adaptability. CDR S stated that the applicant developed a process so that the Sector could hold emergency federal register docket numbers, which significantly expedited the Temporary Final Rule process.

Next, CDR S addressed two comments in the leadership skills section that state that the applicant created a dysfunctional and harmful workplace climate and that his actions led to mission

degradation. She stated that she eventually learned that LT M was shielding the other members from the applicant. Specifically, CDR S stated that LT M was taking the contentious interactions and belittling discussions with the applicant and then filtering the conversations down to the other members. Despite LT M's effort to shield the other members, CDR S stated, all members were negatively affected by the applicant. For example, she stated that two members were looking at departing the Coast Guard and another member had become isolated and guarded.

Next, CDR S addressed the comment in the leadership skills section regarding the disconnect between the applicant's words and his actions. She stated that the applicant told his staff that they could manage their own schedules and have flexible work hours. At the same time, CDR S stated, the applicant routinely asked his staff where they were and why they were arriving after their normal start time. Consequently, one member stopped going to the gym at work, which is authorized by Coast Guard policy. CDR S also stated that the applicant would question whether members had completed their work as they attempted to attend professional development opportunities. As a result, members had stopped working on professional development. CDR S stated that at one point, two members requested to attend the same training course. The applicant initially denied the request stating that two members of the staff could not be out at the same time. However, the applicant and another member had just recently attended a course at the same time. CDR S stated that it was not until the Acting PDH engaged him on behalf of the members that the applicant allowed both members to attend the course.

Next, CDR S addressed the comment in the leadership skills section regarding the applicant's failure to incentivize the team to excel. She stated that there were numerous examples to support this comment. CDR S stated that these instances wore on the staff and demonstrated the applicant's distrust of their judgment. In one instance, the newly assigned marine event permit coordinator discovered that the Sector had not been conducting the permit process in accordance with Coast Guard policy. The coordinator contacted the Environmental Engineer to confirm the correct process and then briefed the applicant on her findings and recommended way forward. CDR S stated that the applicant proceeded to call the same Environmental Engineer, tell the staff that the Sector had been conducting the permit process incorrectly, and recommend the same changes that the new coordinator had already recommended.

Next, CDR S addressed the comment in the leadership skills section that discusses the applicant's unwillingness to change despite his subordinates' repeated attempts to provide feedback. She stated that during counseling sessions with the applicant, he failed to see how he was making work difficult for those around him. Despite the applicant's shortcomings, CDR S stated that the WWM Division wanted him to succeed. In fact, LT M attempted to modify her own work style to accommodate the applicant and provide him feedback. However, CDR S stated, LT M's efforts were met with resistance. CDR S stated that the applicant failed to create an environment in which ideas, suggestions, or recommendations would be considered. She stated that the applicant failed to see how the experiences and knowledge of the other staff members could enrich the WWM Division.

Next, CDR S addressed the comment in the Reporting Officer comments section regarding the impact of the applicant's actions on other members. She stated that the applicant had orders to attend a course but believed he would be unable to attend due to a family emergency. CDR S stated

that the applicant asked LT M to attend the course in his place the day before she would have had to leave. That same day, LT M had to arrange for extended childcare, which included a full day of driving and transitioning her child to another caregiver. On her way back from dropping off her child, the applicant called LT M and told her that he could attend the course. According to LT M, the applicant did not discuss the change, but merely stated that he would be attending and she was expected to be at work. CDR S stated that the applicant failed to recognize that his actions caused extensive stress to LT M and her child. In addition to this incident, CDR S stated that she had personally observed numerous situations in which the applicant struggled with personal interactions and having appropriate remarks or comments. She stated that while the applicant was respectful to her, there was a disconnect between his words and actions. In addition to her own observations, CDR S stated that she was provided with numerous examples from other members of how the applicant had been awkward or rude in his interactions, including walking away mid-conversation; while being briefed on a work-related matter, turning to another member and asking if they had plans for the weekend; and holding up his hand to stop a member from talking.

Next, CDR S addressed the comment in the personal and professional qualities section related to the applicant's outstanding work items. She stated that it was common for LT M to remind the applicant of paperwork on his desk with upcoming deadlines. For example, a safety zone was submitted for the applicant's review on December 1, 2015. The event was to occur a month later on January 1, 2016. CDR S stated that the applicant had questions and edits regarding the safety zone that he submitted to LT M on December 7. LT M responded to the applicant two days later on December 9. Then, on December 18, the applicant emailed LT M and stated that the safety zone paperwork was delayed because it had fallen off his radar. On December 23, CDR S received the safety zone for her review. CDR S stated that because the applicant did not process or review the safety zone in an adequate amount of time, LT M had had to come in on her day off to process the paperwork.

CDR S concluded by stating that throughout her nineteen year career as an officer in the Coast Guard, she has seen both strong and weak performers. She stated that while the applicant was only in his position for a short time, he had a negative impact on those immediately around him. CDR S stated that even when the applicant was presented with clear examples of how his actions were negatively affecting others, he did not change and blamed others. According to the Commandant's Guidance to Officer Selection Boards and Panels, "we must promote selfless leaders who put the mission and their people ahead of themselves by cultivating a positive command climate and who promote the professional development and well-being of their people." CDR S stated that the applicant failed his duty to his people. She stated that based on her direct interactions and observations of the applicant, she firmly believes that he does not have the leadership abilities needed to lead today's Coast Guard.

#### ***Declaration of Applicant's Reporting Officer***

The second letter was from the applicant's Reporting Officer, CAPT N, the Deputy Sector Commander. He stated that based on his frequent interactions with the applicant, the disputed OER is fair, accurate, and complete. CAPT N stated that before the applicant's arrival at the Sector, he had the opportunity to observe the members of the WWM staff for a month. He described the WWM staff as highly energetic, welcoming, and positive. CAPT N argued that the applicant was

not walking into a difficult position. In fact, he argued that it was hard to imagine a better situation or easier group to lead.

CAPT N stated that CDR S proved to be one of the finest officers and leaders he has ever met. He stated that when CDR S went on maternity leave, it became clear that the workplace climate within the WWM Division had taken a turn for the worse. CAPT N stated that members of the unit lost signs of energy and motivation and appeared reserved or on edge. It was around this time that the unit's DEOMI survey results were released. CAPT N stated that the results included some very alarming comments regarding potential sexual harassment or assault. He stated that the tipping point for him was when he learned that the WWM staff had confided in other leaders at the Sector regarding the very poor climate. CAPT N then spoke with the Acting PDH and decided it would be best if she investigated the situation. He stated that he endorsed the discussion between the Acting PDH and members of the WWM staff that occurred on November 15, 2015. CAPT N justified the off-site discussion by stating that the circumstances were very concerning and called for prompt action. After the off-site discussion, the Acting PDH met with the applicant and relayed concerns and areas for improvement. CAPT N stated that upon her return from maternity leave, CDR S continued the intervention efforts. He stated that this included extensive mentoring of the applicant. However, as more alarming reports regarding climate issues emerged, CAPT N initiated an investigation. He stated that during the course of the investigation, it became evident that the disturbing comments in the DEOMI survey were in reference to the applicant.

CAPT N stated that at no point did leadership rush to judgment regarding the applicant. In fact, he stated that the applicant's chain of command had a vested interest in his success. CAPT N stated that CDR S was especially patient and compassionate in her efforts to mentor the applicant. However, CAPT N stated that following the applicant's removal from his primary duties, the WWM staff quickly returned to being positive, energetic, and productive.

CAPT N specifically addressed the applicant's complaints and allegations against CAPT S. He stated that CAPT S was one of the finest Sector Commanders he had the honor to serve. In fact, CAPT S was awarded the Legion of Merit upon his completion of his tour as Sector Commander. CAPT N stated that the applicant's false assertions to the contrary further demonstrate his lack of perspective and inability to address his own shortcomings.

CAPT N concluded by stating that the applicant is unfit to be an LCDR in the Coast Guard. He stated that the applicant follows a "check-box approach" to leadership, in which subordinates are treated as algorithms and are assumed to be defective if they do not display the desired output for a particular input. CAPT N acknowledged the negative impact that the disputed OER will have on the applicant's career. However, he stated, he is honor-bound to follow the tenets of the OER system, and that the disputed OER is fair and accurate.

### ***Declaration of OER Reviewer***

The final letter was from the Reviewer of the disputed OER, CAPT S, who was the Sector Commander while the applicant was at the unit. CAPT S stated that the applicant inherited a "well-oiled machine" upon his arrival at the Sector. He acknowledged that the WWYS Branch

experienced some personnel turnover during the PCS transfer season, but stated that such turnover was common each year. About six weeks after the applicant's arrival, CAPT S started to hear from several sources that things were not going well within the branch. He stated that he received reports that the applicant micromanaged the team's workflow, treated them in a toxic fashion, and did not trust three female members of his team. At first, CAPT S stated that the staff seemed reluctant to talk about the problems. As the climate at the WWYS Branch continued to spiral, the staff confirmed all of the negative reports. One member stated that she would separate as soon as possible, and another member was having significant health issues.

CAPT S stated that he tried several things to help the applicant improve the branch's workplace climate. He stated that he spoke with the applicant to offer his leadership advice and identified areas of improvement. In addition to the applicant's chain of command, CAPT S stated that several other officers volunteered to help the applicant improve his leadership skills. He stated that the applicant would make slight improvements for short periods, but then he would revert back to ineffective and destructive leadership practices. Specifically, CAPT S stated that the applicant's leadership style was outdated; he failed to take responsibility for his failures; and he appeared to have a problem with women.

In November 2015, the results of the DEOMI survey were released and the WWM Division fared poorly. One of the anonymous comments stated that a supervisor tried to smell an officer's hair while she was in front of her computer screen. CAPT S stated that someone speculated that the supervisor was the applicant. Subsequently, CAPT S ordered an investigation into the WWYS Branch. He stated that the investigation determined that the comment was written by a member of the WWYS Branch. Additionally, the investigation's findings included constant and egregious leadership failure on behalf of the applicant. Consequently, the report recommended that the applicant be permanently removed from his primary duties.

CAPT S stated that removing the applicant from his primary duties was a last resort. He provided three reasons he did not want to remove the applicant from his primary duties. First, CAPT S acknowledged that removing the applicant from his primary duties would, in effect, be ending his career progression. He stated that although the applicant's removal from his primary duties was warranted, this was a difficult task to execute. Second, CAPT S stated that he considered removing a subordinate from his primary duties as a partial failure of his own abilities. Finally, he stated the applicant's mother, who was ill at the time, lived near the Sector. CAPT S knew that removing the applicant from his primary duties meant that he could be reassigned to another location, which would render his mother without a primary caretaker. He stated that in the end, he had to prioritize the production of the WWM Division, the mental and emotional health of the staff, and the Coast Guard writ large.

CAPT S stated that he explained to the applicant his rationale for removing him from his primary duties. First, he underscored the applicant's poor verbal and non-verbal communication skills that alienated, offended, and caused significant anxiety for members of the WWYS Branch. Second, CAPT S informed the applicant that while he was a good manager, he was an ineffective leader. Specifically, the applicant had a complete inability to inspire and motivate his staff. Third, CAPT S told the applicant that his perception of reality was confused and unrealistic. For example, the applicant described himself as humble. However, CAPT S stated that according to members of

the branch and his own observations, it appeared that the applicant was quite the opposite. Finally, he stated that the applicant failed to take any responsibility for the poor workplace climate. According to the applicant, the staff alone was to blame.

CAPT S stated that when the applicant was removed from his primary duties, the WWM Division did not experience a decrease in productivity despite being down a member. At the same time, the overall emotional and mental health of the staff improved. CAPT S stated that this speaks volumes to the negative impact the applicant had had on the division.

CAPT S then addressed the applicant's contentions with his article about toxic leadership. He stated that the applicant took his article out of context. He stated that the article argues that if toxic leadership exists, it needs to be identified. Once identified, the toxic leader needs coaching and support to change their leadership style. If the toxic leader is unwilling or unable to change, then they must be removed. CAPT S stated that the applicant was a toxic leader who could not change. CAPT S concluded by stating that the applicant is one of the worst officers he had ever worked with in the Coast Guard. He described the applicant as paranoid, misogynistic, and unable to accept any responsibility for his actions.

On December 15, 2017, the PRRB recommended denying the applicant's request for relief. The PRRB determined that the applicant failed to produce clear and convincing evidence to overcome the presumption of regularity with respect to the disputed OER. First, the PRRB stated that the applicant failed to prove that a substantial likelihood exists that his rating chain did not adequately perform their duties with respect to the disputed OER. The PRRB argued that the applicant's rating chain properly documented his performance based on their observations. Next, the PRRB argued that contrary to the applicant's assertion, his rating chain made multiple attempts to counsel him. The PRRB noted that in accordance with Coast Guard policy, the applicant was expected to manage his own performance and seek counseling from his rating chain to ensure that he was meeting their expectations.

That same day, the Acting Director of Reserve and Military Personnel approved the PRRB's recommendations.

The applicant was non-selected for promotion to CDR by the PY2020 and PY2021 selection boards. Therefore, by operation of law, he will presumably be retired upon attaining 20 years of service.

### **VIEWS OF THE COAST GUARD**

On May 18, 2021, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which she recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC argued that the applicant failed to overcome the presumption of regularity with respect to his removal from primary duties. PSC argued that the applicant was temporarily removed from his primary duties in accordance with policy. Then, PSC argued, the Coast Guard properly determined that the applicant met the requirements for permanent removal from his primary duties.

According to Article 1.F.2.b. of COMDTINST M1000.8, an officer can be considered for permanent removal from his primary duties if the officer fails to perform his duties such that his performance significantly hinders mission accomplishment or unit readiness or it becomes clear to the command that the officer has neither the ability nor desire to perform their assigned duties.

PSC also argued that the applicant failed to show by a preponderance of the evidence that the disputed OER is erroneous. PSC argued that the applicant's rating chain properly carried out their responsibilities in completing the disputed OER and accurately documented his performance based on their observations. First, PSC argued that the applicant's Supervisor fulfilled her duties by including comments that cite to specific aspects of the applicant's performance and behavior for each mark that deviated from a mark of 4. Next, PSC argued that the applicant's Reporting Officer carefully compared the applicant's performance and qualities observed during the reporting period and selected the appropriate mark in accordance with the level of performance described by the standards. Finally, PSC argued that the applicant's Reporting Officer properly included comments that cited specific aspects of the applicant's performance and behavior based on his observations and other information accumulated during the reporting period.

The JAG reiterated that the applicant failed to show by a preponderance of the evidence that the disputed OER is erroneous. The JAG acknowledged that the evaluation system is not clinically objective. In fact, the Coast Guard Officer Evaluation System Procedures Manual allows subjective observations and judgments as part of the evaluation process. Further, the JAG stated that space provided on an OER is limited. As such, a member's command must be selective in its comments. However, the JAG argued that the applicant failed to prove that the disputed OER is inaccurate or internally inconsistent.

The JAG also argued that the applicant failed to show by a preponderance of the evidence that the disputed OER is unjust. The JAG argued that there is no clear violation of a specific objective requirement of a statute or regulation to establish that the disputed OER is unjust.

Finally, the JAG argued that the applicant failed to show by a preponderance of the evidence that members of his command were bias against him. According to the applicant, CAPT S was eager to relieve leadership that he deemed to be toxic. The JAG argued that the applicant's assertions remain allegations and are insufficient to overcome the presumption of regularity afforded to the Coast Guard. The JAG stated that around June 28, 2016, the Officer Personnel Management Division of PSC conducted an independent analysis and approved the command's decision to remove the applicant from his primary duties. Then, the PRRB conducted its own review and confirmed the command's determination. The JAG argued that given the numerous layers of review, it is less likely that outside factors adversely affected the applicant's ratings and more likely that the command held high standards of team performance.

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

On September 4, 2018, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty days. In his response, the applicant argued that the advisory opinion failed to address the specific issues he raised in his application.



The applicant argued that the advisory opinion solely relied on the presumption that the rating chain properly executed its duties. He argued that the advisory opinion submitted a broad brush opinion that failed to actually grapple with the evidence and make a determination on the merits. The applicant asked that the Board not “rubber stamp” the advisory opinion, but instead examine the evidence and arguments put forth in his application. Specifically, he asked the Board to address the secret intervention that occurred with his subordinates on November 15, 2015, and the harmful workplace climate that was largely caused by the Sector Commander’s belief in relieving leaders as a management tool.

The applicant also submitted his most recent annual OER for the reporting period of May 1, 2020, to April 30, 2021. He received marks of 6 or 7 for the performance dimensions. On the comparison scale, the applicant received a mark for “One of the many high performing officers who form the majority of this grade.” He was recommended for promotion with the top 20% of his peers.

### APPLICABLE LAW AND POLICY

Article 1.F.2.b. of the Military Assignments and Authorized Absences Manual, COMDTINST M1000.8A, discusses the circumstances that warrant removal of a commissioned officer from his primary duties as follows:

An officer may be considered for permanent removal from primary duties under the following circumstances:

- 1) The officer fails to perform primary duties such that their performance significantly hinders mission accomplishment or unit readiness, or
- 2) After an adequate amount of time at the unit (normally at least six months), it becomes clear to the command that the officer has neither the ability nor desire to perform assigned duties, or
- 3) The officer’s actions significantly undermine their leadership authority.

Article 1.F.2.d. of Military Assignments and Authorized Absences Manual discusses the process of removing an officer from their primary duties as follows:

- 1) At the time’s discretion, an officer may be temporarily removed from primary duties at any time. Upon determining that an officer meets the requirements of Article 1.F.2.b. of this Manual for permanent removal from primary duties, the command will submit an OER in accordance with Article 5.A.3.c. and 5.a.4.h. of reference (q), Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series). That command should inform the officer of the RPD process and way forward.
- 2) After the OER is routed to Commander (CG PSC-OPM-3) or (CG PSC-RPM) per Article 5.A.2.i. of reference (q), Officer Accession, Evaluations, and Promotions, COMDTINST M1000.3 (series), Commander (CG PSC-OPM) or (CG PSC-RPM) will review and make the final decision on removal from primary duties.

Article 5.A.1.C.1.d.1. of the Officer Accessions, Evaluations, and Promotions Manual, COMDTINST M1000.3A, discusses performance feedback as follows:

Performance feedback occurs whenever a subordinate receives advice or observations related to their performance in any evaluation area. Performance feedback can take place formally (e.g., during

a conference) or informally (e.g., through on-the-spot comments). Regardless of the forum, each officer should receive timely counseling and be clear about the feedback received. If feedback is not fully understood, it is the reported-on officer's responsibility to immediately seek clarification and the rating chain's responsibility to provide it.

Article 5.A.2.d. of the Officer Accessions, Evaluations, and Promotions Manual discusses the responsibilities of the Reported-on Officer in relevant part:

c. Individual officers are responsible for managing their performance. This responsibility entails determining job expectations, obtaining sufficient performance feedback from the supervisor during the period, and using that information to meet or exceed standards.

...

k. Assume ultimate responsibility for managing their own performance, notwithstanding the responsibilities assigned to others in the rating chain. This includes ensuring performance feedback is thorough, and that OERs and associated documentation are timely and accurate.

### FINDINGS AND CONCLUSIONS

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

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552.
2. Although the application was not filed within three years of the applicant's discovery of the alleged error or injustice, it is considered timely because he has remained on active duty in the interim.<sup>3</sup>
3. The applicant alleged that documentation of his removal from his primary duties and performance evaluation for the period May 27, 2015, to March 7, 2016, should be expunged because they are erroneous and unjust. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed evaluation 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 it is erroneous or unjust.<sup>4</sup> 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.<sup>5</sup> To be entitled to relief, the applicant cannot "merely allege or prove that an [evaluation] seems inaccurate, incomplete or subjective in some sense," but must prove that the disputed evaluation was 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.<sup>6</sup>

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<sup>3</sup> *Detweiler v. Pena*, 38 F.3d 591, 598 (D.C. Cir. 1994) (holding that, under § 205 of the Soldiers' and Sailors' Civil Relief Act of 1940, the BCMR's three-year limitations period under 10 U.S.C. § 1552(b) is tolled during a member's active duty service).

<sup>4</sup> 33 C.F.R. § 52.24(b).

<sup>5</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

<sup>6</sup> *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).

4. The fact that the applicant received better OERs before and after the reporting period for the disputed OER is not evidence that the disputed evaluation does not accurately reflect his performance during the reporting period.<sup>7</sup>

5. Removal from primary duties. The applicant argued that his removal from his primary duties was erroneous. Specifically, the applicant argued that there was no evidence that he committed wrongdoing. However, contrary to the applicant's assertion, evidence of wrongdoing is not required to remove an officer from his primary duties. According to Article 1.F.2.b. of the Military Assignments and Authorized Absences Manual, an officer can be removed from his primary duties for the following: 1) the officer fails to perform primary duties such that their performance significantly hinders mission accomplishment or unit readiness; 2) after an adequate amount of time at the unit (normally at least six months), it becomes clear to the command that the officer has neither the ability nor desire to perform assigned duties; or 3) the officer's actions significantly undermine their leadership authority. In this case, the administrative investigation recommended that the applicant be permanently removed from his primary duties due to his constant and egregious leadership failures. This recommendation was adequately supported by extensive findings that documented the applicant's actions that significantly undermined his leadership authority. For example, the administrative investigation found that the WWYS Branch did not feel that the applicant considered their welfare or individual goals when making decisions. Therefore, the applicant has not proven by a preponderance of the evidence that his removal from his primary duties was erroneous.

6. Derogatory OER: The applicant argued that many of the comments and marks in the disputed OER are erroneous. To support his arguments, the applicant submitted over 1,300 pages of evidence. For example, the applicant submitted more than 50 emails in which he praised, encouraged, or thanked members of his unit to support his assertion that he fostered a positive workplace climate. However, an OER is not supposed to be a compilation of an officer's accomplishments. Given the small space for comments on an OER, the comments are not required or expected to mention every achievement or every aspect of an officer's performance during the rating period. Instead, the raters are required to read the written standards for each performance dimension, compare them to the officer's observed performance, and assign the appropriate mark based on that comparison.<sup>8</sup> Then, for each assigned mark deviating from a "standard" mark of 4, the rating is required to add one or two comments "citing specific aspects" of the officer's performance to "amplify and be consistent with" the assigned mark.<sup>9</sup> Therefore, Coast Guard officers are not entitled to have all of their achievements mentioned in OER comments because the comments are only supposed to support the choice of numerical marks.

A. From Block 3 of the OER, "*Worked, coordinated projects/tasks well independently, but struggled with management of projects within division;*"

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<sup>7</sup> *Grieg v. United States*, 226 Ct. Cl. 258, 271 (1981) ("[T]he fact that this fine officer had better ratings before and after the challenged OER is of no legal moment nor of probative value as to the rating period covered by the one OER with which he is dissatisfied.").

<sup>8</sup> Articles 2.E.4. and 2.F.2. of the Coast Guard Officer Evaluation System Procedures Manual.

<sup>9</sup> *Id.*

The applicant argued that this comment is erroneous because it is contradicted by other comments in the disputed OER. Specifically, the applicant argued that this comment contradicts the comment in the potential section of the disputed OER that states that he “collaborated well with experts in their fields.” The Board finds that these comments are consistent. The comments acknowledge that the applicant worked well on solo projects and projects in which he collaborated with colleagues. However, neither comment states that the applicant worked well within his own division. The applicant also argued that there is evidence to show that his work was excellent and supports a mark of 6. However, the applicant failed to specify which performance dimension he believed should be raised to a mark of 6. Further, there is significant evidence that shows that the applicant struggled to manage projects within the division. For example, during the meeting on November 15, 2015, the WWYS Branch stated that the applicant questioned everything and did not understand the MISLE processes. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- B. From Block 3 of the OER, *“tasked branch to complete all correspondence for signature prior to departure on 3 wk TDY, on last day in the office changed tasking, deferring signature to Dept Head, wasted efforts & devalued staff;”*

The applicant argued that the comment is erroneous because he did not task the WWYS Branch to complete any correspondence for signature before his departure for TDY. Instead, the applicant stated that he told the WWYS Branch that he would be available to review and sign documents while he was on TDY so that the staff did not have to prepare any documents in advance of his departure. To support his assertion, the applicant stated that LT M had prepared documents for him to read while he was on the plane. He provided copies of LT M’s emails as evidence. However, the Board finds that such evidence does not show that the comment is erroneous. Further, CDR S specifically addressed this comment in her sworn declaration. Contrary to the applicant’s assertion, CDR S stated that the applicant tasked the WWYS Branch to prepare a large number of documents for his signature. She stated that the staff spent all week preparing the documents and that two members stayed late multiple days to complete the work. Despite the effort of the WWYS Branch, CDR S stated, the applicant left the work unsigned on his desk. At this point, CDR S recommended to the applicant that she sign documents while he was gone on TDY. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- C. From Block 3 of the OER, *“Tasked subord to pre-brief slides delivered at daily cmd brief purportedly as professional development opportunity, mbr not directly responsible for info, quizzed mbr on details, significantly increased workload w/out resulting benefits;”*

The applicant argued that the comment is erroneous because LTJG R was in fact responsible for preparing the morning brief slides. However, the applicant did not provide any evidence to support this assertion. The applicant also argued that the pre-brief slides only took a few minutes and did not significantly increase LTJG R’s

workload. However, during the meeting on November 15, 2015, one of the WWYS Branch members stated that the morning brief slides took about 3-4 hours of work each week. Finally, the applicant argued that he did not “quiz” LTJG R. However, during the meeting on November 15, 2015, a member of the WWYS Branch stated that the applicant quizzed her on the slides each morning. Further, in her sworn declaration, CDR S maintained that the applicant played “stump the chump” regarding the morning briefs. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- D. From Block 3 of the OER, *“Following significant delay in implementing an emergency safety zone waiting for administrative review, facilitated process for Sector to expedite completion of emergency regs in future.”*

The applicant argued that this comment is erroneous because he did not delay the implementation of an emergency safety zone. However, the Board finds that the comment does not blame the delay in implementing an emergency safety zone on the applicant. Instead, the comment is positive and praises the applicant for his performance following a delay. As noted by CDR S in her sworn declaration, the comment credits the applicant with developing a process so that the Sector could hold emergency federal register docket numbers, which significantly expedited the Temporary Final Rule process. In fact, the applicant acknowledged the positive nature of the comment and argued that it supports a higher mark in the performance dimension of Adaptability. However, as noted above, marks are not based on comments. Instead, comments are provided to support the assigned mark. Therefore, the applicant has not proven by a preponderance of the evidence that the comment or mark are erroneous.

- E. From Block 4 of the OER, *“Failed to listen to & incorporate changes from feedback by subords & supervisors, & unable to discern key points & appropriately act on them; following multiple conversations with subords & repeated counseling sessions by supervisor failed to change behaviors & work practices, often debated points & shifted blame.”*

The applicant argued that the comment is erroneous because he made every effort possible to evolve and was rapidly incorporating changes from feedback that he received from subordinates and supervisors. The applicant cited the report from the administrative investigation into his temporary removal as support. Specifically, the applicant cited an email dated November 20, 2015, that stated that the applicant was moving in the right direction. In her memorandum notifying the applicant that he had been temporarily removed from his primary duties, CDR S confirmed that the applicant’s behavior had improved following his meeting with the Acting PDH on November 20, 2015. However, CDR S stated that the applicant reverted back to his old ways just two weeks later. Further, the findings of fact section of the administrative investigation report states: “[The applicant] made personal attempts to build trust and improve communications with the staff of the Waterways Safety Branch. However, these attempts did not take into full consideration the root cause of the issues and subsequently failed.” The WWYS Branch staff stated that they did not feel trusted by

the applicant because of his constant inquiry about members' whereabouts, incessant questions about subordinate's work, and openly "fact checking" the validity of their research. The applicant alleged that he made several changes to address these concerns. However, the Board finds that the changes, such as implementing weekly WWYS Branch run/walks, were inadequate or unrelated to the staff's feedback. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- F. From Block 5 of the OER, *"Continually broke trust of staff, created dysfunctional & harmful workplace climate, ultimately demoralizing 3 mbrs of the Branch."*

The applicant argued that the comment is erroneous because a dysfunctional and harmful workplace climate existed before his arrival at the Sector. To support his assertion, the applicant cited the DEOMI survey results. However, these results were released four months after the applicant's arrival at the Sector. As such, the results were a contemporaneous reflection of the Sector's climate rather than a reflection of the climate before his arrival. Further, the applicant's chain of command did not hold the applicant accountable for the entire Sector's climate. Instead, the applicant's chain of command was narrowly focused on his negative impact on the WWYS Branch. The applicant also blamed the harmful workplace climate on LT M because she failed to establish written procedures and performance expectations. However, the WWYS Branch staff never expressed that the negative climate was due to a lack of procedures or expectations on the part of LT M. In fact, the applicant's entire chain of command attested under oath that before his arrival, the WWYS Branch was fully functional and included members who were successful, positive, and experienced. Further, the applicant's chain of command noted that once the applicant was removed from his primary duties, the WWYS Branch returned to being positive, energetic, and productive. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- G. From Block 5 of the OER, *"Espoused flexible work hrs, but scrutinized calendar & personnel location..."*

The applicant argued that the comment is inaccurate because he supported autonomous work schedules as long as the work was getting done. To support his assertion, the applicant alleged that the administrative investigation found that he "championed autonomy for his personnel." As part of the administrative investigation, the applicant was interviewed. The comment that the applicant championed autonomy for his personnel was found in the summary of the applicant's interview in which he commented on his own leadership and performance. As such, the Board finds that the administrative investigation did not make a determination that the applicant championed autonomy for his personnel. Contrary to the applicant's assertion, the administrative investigation report states that the WWYS Branch did not feel trusted by the applicant due, in part, to his constant inquiry of members' whereabouts.

CDR S directly addressed this comment in her sworn declaration. She stated that the applicant routinely told his staff that they could manage their own schedules and have flexible work hours, while also routinely asking members where they were and why they were arriving after their normal time. CDR S also stated that the applicant would question appointments on the shared email calendar. Consequently, CDR S stated that at least one member stopped going to the gym during work, which is authorized by Coast Guard policy. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- H. From Block 5 of the OER, *“Requested candid feedback from subords then disregarded & disparaged their attempts...”*

The applicant argued that this comment is erroneous because it is inconsistent with the following comment in the communication skills section of the disputed OER: “Failed to listen to & incorporate changes from feedback by subords & supervisors...” However, the applicant failed to discuss how these two comments are inconsistent with each other. The Board finds that these comments consistently convey that the applicant was resistant to feedback and was unwilling to make changes. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- I. From Block 5 of the OER, *“Spoke of prof dev opportunities for subords but barraged mbrs w/questions on workload & negative impact on productivity leading mbrs to stop looking for professional development opportunities.”*

The applicant argued that this comment is erroneous because he encouraged his subordinates to spend about 10% of their time devoted to professional development. To support this assertion, the applicant cited nearly a dozen emails and conversations in which he discussed or encouraged professional development opportunities. However, the applicant’s assertions do not directly contest the comment. In her sworn declaration, CDR S stated that the applicant would question whether members completed their work as they attempted to attend professional development opportunities. As a result, she stated that members stopped pursuing professional development opportunities. In one instance, the applicant denied a member’s request to attend a course because another member was already attending. However, the applicant and another member had recently attended a course at the same time. CDR S stated that it was not until the Acting PDH intervened that the applicant allowed both members to attend the course. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- J. From Block 5 of the OER, *“Repeated micromanagement, disrespect & disregard of efforts led to mission degradation, mbrs contemplated separation from the CG, & resorted to unhealthy coping mechanisms,”* and *“productivity severely compromised by micromanagement.”*

The applicant argued that that comment is erroneous because he did not micromanage or disrespect his staff. However, the WWYS Branch staff, the applicant’s chain of

command, and the administrative investigation report repeatedly contracted the applicant's assertion. Regarding the applicant's micromanagement, the administrative investigation report stated that he constantly and openly questioned the recommendations and decision making of his staff. Regarding the applicant's disrespectful behavior, the report stated that he consistently disrespected his staff through comments and actions such as constant reminders of rank/status when speaking with subordinates, abruptly leaving mid-meeting or mid-sentence without explanation, publicly commenting on subordinate's weight or appearance, and pitting subordinates against each other.

The applicant also argued that the comment did not correspond with a mark of 4 for the performance dimension of Directing Others. However, since the applicant received a "standard" mark of 4 for Directing Others, there would be no corresponding comment. Instead, the Board finds that the comment supports a mark of 2 for the performance dimension of Workplace Climate. The description for a mark of 2 in the performance dimension of Workplace Climate states the following: "intolerant of individual differences, exhibited discriminatory tendencies toward others. Tolerated or contributed to an uncomfortable or degrading environment. Failed to take responsibility for own words and actions and their impact on others. Failed to support or enforce Coast Guard human resources policy." Therefore, the applicant has not proven by a preponderance of the evidence that the comment or mark are erroneous.

- K. From Block 5 of the OER, "*Poor interpersonal skills; interrupted briefings, talk down to mbrs, not engaged in conversations/distracted, & made inappropriate comments on mbrs' appearance.*"

The applicant argued that this comment is erroneous because he did not talk down to members. In one instance, he was accused of telling a fellow member to "get over it" regarding a conflict between the two of them. The applicant argued that even if he said those words, they were taken out of context. He argued that his message was to turn the page and look toward a brighter future. In her memorandum to the applicant about his temporary removal from primary duties, CDR S recounted the same interaction between the applicant and LT M. According to CDR S, LT M's interpretation of the applicant's comment to "get over it" was very different. CDR S stated that in his response to the LT M, the applicant exhibited poor interpersonal skills. Specifically, he failed to understand how his actions affected others, destroyed any trust built in that moment, and demonstrated a complete lack of empathy.

Next, the applicant acknowledged that at times, he was distracted. Shortly after arriving at the Sector, the applicant's father suffered a heart attack. Less than a month later, his mother suffered a heart attack. The applicant stated that he was the only family living near his parents, so he was largely responsible for looking after them. He stated that this was a very stressful time for him. The applicant argued that he was not given the benefit of the doubt and his command did not consider the extremely difficult period he and his family were experiencing. However, the applicant acknowledged that his command granted him leave to address his family situation. Regardless of the



applicant's personal issues, the WWYS Branch reported significant communication issues with the applicant to include the following: not listening, no eye contact, staring beyond members while they were talking, cutting people off while talking, and holding up his hand to stop members from talking.

Finally, the applicant addressed the comment that he made inappropriate comments on a member's appearance. He remembered one instance in which he asked a female member, in private, whether she was in accordance with weight standards. The applicant acknowledged that he could have instead asked her if she had weighed in. However, he defended his question by stating that he was doing his job. The applicant argued that he did not make any further inappropriate comments regarding a member's appearance. Contrary to the applicant's assertion, the administrative investigation determined that he publicly commented on subordinate's weight or appearance. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

L. From Block 5 of the OER, "*No incentive for team to excel...*"

The applicant argued that this comment is erroneous because he consistently provided significant positive reinforcement to his team in the form of praise and recognition. For example, he stated that he documented his subordinates' contributions so that they could receive a Fleet Week Team Award. However, the WWYS Branch did not express a concern for the lack of praise or recognition. Instead, the branch expressed a concern for the lack of incentive to provide recommendations. Specifically, in the meeting with the Acting PDH on November 15, 2015, the WWYS Branch stated that the applicant questioned members' ideas for improvement. This made the members feel uncomfortable. CDR S echoed this concern in her sworn declaration. In one instance, CDR S stated that a member was newly assigned as the marine event permit coordinator. In learning her position, she discovered that the Sector had not been conducting the permit process in accordance with Coast Guard policy. As such, the new member engaged with the Environmental Engineer to confirm the correct process. The new member then briefed the applicant on her findings and recommended way forward. CDR S stated that the applicant then called the same Environmental Engineer, proceeded to tell the staff that the Sector had been conducting the permit process wrong, and recommended the same changes as the new member had previously recommended. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

M. From Block 5 of the OER "*...edited docs adding no substantive content/corrections, called other sources to verify accuracy of info received from subords, not receptive to honest responses to tasking (specifically if a member was not able to complete task).*"

The applicant acknowledged that he edited documents and spoke with others to verify the accuracy of the processes that were being established. However, he argued that his actions were necessary, appropriate, and substantive. To support his assertion, the applicant cited a dozen examples of when his input was substantive. However, this

comment does not stand for the assertion that the applicant never contributed substantive content when editing documents. Instead, this comment states that there were instances in which the applicant edited documents but failed to add substantive content. This comment is consistent with the feedback given by the WWYS Branch during the meeting that occurred on November 15, 2015. The branch stated that the applicant edited everything, including emails that were being sent to recipients outside of the Coast Guard. In fact, the branch stated that the applicant continued to edit documents even after the legal review was complete and approval was received. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- N. From Block 5 of the OER, *“Adamantly believed subord dwelled on negative & unwilling to change despite subord’s repeated attempts to provide candid feedback in an attempt to improve workplace.”*

The applicant did not specifically contest this comment. Instead, he cited the same argument put forth in the section regarding the comment in the communication skills section of the disputed OER. The applicant argued that he made every possible effort to evolve and was rapidly incorporating changes from feedback that he received from subordinates and supervisors. Similar to finding 6.E., the Board finds that the applicant’s argument failed to prove by a preponderance of the evidence that the comment is erroneous.

- O. From Block 7 of the OER, *“Performance had direct, negative impact on mission accomplishment.”*

The applicant did not specifically contest this comment. Instead, he cited the same argument about a comment in the performance of duties section of the disputed OER. The applicant argued that there is no evidence to support the assertion that he struggled with managing projects. Instead, he argued that there is evidence to show that the quality of his work was excellent. However, this argument fails to address, let alone refute, the comment that the applicant’s performance had a negative impact on mission accomplishment. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- P. From Block 7 of the OER, *“Did not demonstrate ability to motivate, create a reasonable office climate or trusting relationships.”*

The applicant did not specifically contest this comment. Instead, he cited the same argument about a comment in the leadership skills section of the disputed OER. The applicant argued that a dysfunctional and harmful workplace climate existed before his arrival at the Sector. Similar to finding 6.F., the Board finds that the applicant’s argument failed to prove by a preponderance of the evidence that the comment is erroneous.

- Q. From Block 7 of the OER, *“Failed to own responsibility for poor climate, during counseling focused on justifying, blaming others & debating actions. Displayed inability to adapt to counseling or sustain behavior changed.”*

The applicant argued that the comment is erroneous because he took full responsibility for the climate issues. Specifically, he argued that he developed and implemented numerous initiatives designed to improve morale, cohesion, and organizational effectiveness. However, both CDR S and CAPT S repeatedly stated that the applicant failed to take responsibility during his performance counseling. This is consistent with the finding in the administrative investigation that determined that the applicant refused to take any responsibility for the impact his decisions and actions had on the WWYS Branch. In fact, throughout the present application, the applicant maintained that the poor climate existed before his arrival at the Sector and attributed the poor climate to LT M rather than himself. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- R. From Block 7 of the OER, *“Oblivious to personal impact actions had on others; in specific case requested mbr attend 3 wk TDY 3 days prior to convening, mbr took dependent to long-term childcare, ROO abruptly canceled TDY 24 hours later w/o discussion.”*

The applicant argued that this comment is erroneous because it is an inaccurate portrayal of the situation. First, the applicant argued that he did not request that LT M attend the course, but that he generously offered her the opportunity. CDR S confirmed that the applicant asked LT M whether she wanted to attend the course. However, the Board finds that the language in the comment is not an inaccurate portrayal of what happened. The word “requested” does not mean that the applicant demanded that LT M attend the course. Instead, the word “requested” can mean that the applicant invited the applicant to attend the course. The applicant also argued that he did not abruptly cancel the TDY without discussion. The applicant stated that he contacted LT M and informed her that he might still be able to attend the course. The applicant provided the text message exchange between himself and LT M. The applicant texted LT M, “I might still be able to go, my mom seems to be much better. Waiting to hear back from doctor. Would that be ok since u [sic] didn’t get ticket or orders yet?” LT M responded to the applicant, “[Redacted] is already hundreds of miles away. So I need to drive back to get him?” At this point, the applicant stated that he called LT M. He stated that LT M told him that her son reacted strongly to her leaving for TDY, so he suggested that it would be best that he attend the course. Given the text message exchange and the subsequent phone call, the Board finds that the applicant did not provide evidence of a discussion between himself and LT M. Specifically, the applicant did not provide evidence that he allowed LT M to provide input into the decision. Rather, the applicant’s version of events demonstrates a unilateral decision by him to attend the course. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- S. From Block 8 of the OER, *“Reminded by subords of outstanding work items; inaction caused subords add'l & last minute work, specifically approval of safety zone/marine event package 3 wks prior to event, ROO did not route package until days before event, burdening subords w/changes to appointments & loss of liberty.”*

The applicant argued that this comment is erroneous. The applicant argued that a thorough review of all the documents he signed or approved shows that on average, he took 2.9 days to review marine event applications. The applicant also argued that the WWYS Branch staff, on average, held marine event applications for 64.1 days before routing for approval. The applicant acknowledged that there was one instance in which paperwork fell of his radar and was delayed a few days. However, the applicant argued that the delay was not due to irresponsibility, but rather a lack of standard operating procedures.

The disputed OER is the first instance in which the issue of outstanding work items was noted. In the meeting with the WWYS Branch on November 15, 2015, the staff did not raise the issue of outstanding work items as a concern. Further, the memorandum from CDR S that notified the applicant of his temporary removal from his primary duties did not raise the issue. Finally, the administrative investigation did not include a finding that the applicant had an issue with outstanding work items. However, both CDR S and the applicant confirmed the example cited in the comment. Contrary to the applicant's assertion, the comment does not state that the applicant routinely had outstanding work items. Instead, the comment merely states that the applicant was reminded by subordinates of outstanding work items. Given the applicant's acknowledgement of the specific example cited in the comment, the Board finds that the comment is an appropriate example of the applicant's below-standard performance to support a mark of 3 in the performance dimensions of Responsibility. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- T. From Block 8 of the OER, *“At times displayed poor judgment in understanding limitations & nuances of CG Captain of the Port authority; questions & expectations of marine event coordinators at times excessive, heightening risk of successful challenge to CG authorities.”*

The applicant argued that this comment is erroneous. He stated that the comment refers to a specific incident in which he attempted to ensure that a proper safety review was conducted for a power boat race scheduled to begin just two days after submission for his approval. The applicant argued that the questions he asked were part of a proper safety review as instructed by the Coast Guard. He that he was criticized for trying to prevent the unnecessary loss of life and for being concerned about protecting the Coast Guard's image.

Neither the applicant's chain of command nor his subordinates addressed the specific instance cited by the applicant. However, during the meeting with the Acting PDH on November 15, 2015, the applicant's subordinates expressed repeated concerns

regarding his constant questioning of member's recommendations and decisions. Further, at least one member expressed concern that the applicant did not understand Branch processes. The administrative investigation reflected similar concerns. In several separate findings of fact, the administrative investigation stated that the applicant did not trust his staff and constantly questioned their work. Therefore, the applicant has not proven by a preponderance of the evidence that the comment is erroneous.

- U. From Block 10 of the SOER, *“While not ill-intended, unable to adapt leadership or management styles. Following numerous counseling sessions & repeated discussions, ROO still failed to recognize or accept responsibility; doubtful ROO will be able to learn from & overcome short-comings to effectively lead in the future.”*

The applicant did not specifically contest this comment. Instead, he cited the same argument about a comment in the communication skills section of the disputed OER. The applicant argued that he made every effort possible to evolve and was rapidly incorporating changes from feedback that he received from subordinates and supervisors. Similar to finding 6.E., the Board finds that the applicant's argument failed to prove by a preponderance of the evidence that the comment is erroneous.

7. The applicant argued that the disputed OER is unjust because the WWYS Branch was in a dysfunctional state when he arrived. First, he argued that the Branch was understaffed, which led to backlogs and delays. Specifically, the applicant stated that before his arrival, the PDH and ANT Officer-in-Charge had been fired. However, each member of the applicant's chain of command contested the applicant's assertion that the WWYS Branch was in a dysfunctional state. For example, while CAPT S acknowledged that the branch experienced some personnel turnover during the PCS transfer season, he maintained that the applicant inherited a “well-oiled machine.” The applicant also argued that there was a lack of both written procedures and performance expectations for the WWYS Branch. However, he was not removed from his primary duties for a lack of procedures and performance expectations. In fact, in the section evaluating his performance of duties in the disputed OER, the applicant was praised for starting a project to document processes for the division. Instead, he was removed from his primary duties due to his leadership failures. Finally, the applicant argued that there was a harmful workplace climate that existed before he arrived at the Sector. CAPT N stated that before the applicant's arrival to the unit, he had the opportunity to observe the members of the WWYS Branch for a month. He described the WWYS Branch staff as highly energetic, welcoming, and positive. In particular, CAPT N stated that the applicant's predecessor was an outstanding leader and seasoned Waterways professional. He argued that the applicant was not walking into a difficult position. In fact, CAPT N argued that it was hard to imagine a better situation or easier group to lead. Therefore, the applicant has not proven by a preponderance of the evidence that the disputed was unjust because the WWYS Branch was in a dysfunctional state prior to his arrival.

8. The applicant argued that the disputed OER is unjust because CAPT S had a zeal for relieving Coast Guard leaders. However, CAPT S did not initiate the applicant's removal from his primary duties. Instead, the applicant's Supervisor, CDR S, recommended that the applicant be temporarily removed from his primary duties. Further, the report from the administrative

investigation recommended that the applicant be permanently removed from his primary duties. While CAPT S was clearly willing to remove officers from their primary duties for lack of leadership, the applicant has not proven by a preponderance of the evidence that his removal was improperly influenced or violated Coast Guard policy. While the applicant made several allegations regarding his chain of command, the Board finds that he did not provide sufficient evidence to rebut the presumption that his rating chain acted “correctly, lawfully, and in good faith” in supervising him and preparing their evaluations.

9. The applicant also argued that the disputed OER is unjust because he was not made aware of the concerns regarding his performance until he received the disputed OER. The applicant acknowledged that he had a few conversations with CDR S about climate issues. However, he argued that these conversations were at his request and were never in the nature of counseling. According to Article 5.A.1.C.1.d. of the Officer Accessions, Evaluations, and Promotions Manual, counseling for an officer does not have to be formal. In fact, the manual states that performance feedback occurs whenever a subordinate receives advice or observations related to their performance. The applicant also argued that his counseling sessions occurred in January, which only gave him about three weeks to improve on his leadership skills before he was removed from his primary duties. However, the administrative investigation found that between November 20, 2015, and February 1, 2016, the applicant was counseled by his superiors on six different occasions. In fact, the applicant acknowledged a meeting that he had with the Acting PDH on November 20, 2015, in which he was advised that he needed to put his team before himself, that he needed to establish trust, and that he needed to be mindful of his communication. Finally, according Article 5.A.2.d. of the manual, the applicant was ultimately responsible for managing his performance. Following the meeting with the Acting PDH on November 20, 2015, a summary was prepared that stated that the applicant was worried after he was presented with the staff’s concerns. If the applicant was concerned about his performance or unsure of the feedback he received, it was his responsibility to reach out to his rating chain for further clarification. Therefore, the Board finds that the applicant has failed to prove by a preponderance of the evidence that he was denied adequate performance feedback during the reporting period.

10. The applicant’s remaining allegations pertain to decisions made by the PRRB. Specifically, the applicant argued that the PRRB relied solely on the statements of his rating chain and that his request was improperly denied without thoroughly considering all of the evidence. However, the BCMR is a separate and independent entity from the PRRB, with its own administrative record, and it is not a PRRB appeals board. While the BCMR may reach a different conclusion and grant relief in cases where the PRRB has denied relief, the BCMR does not have authority to tell the PRRB how to conduct its business, to overturn a PRRB decision in the way that an appellate court overturns the decision of a lower court, or to remand a case back to the PRRB. The BCMR could remove a decision of the PRRB from an applicant’s military record if it found that the presence of that decision in the record constituted an error or injustice, but the Board in this case has not done so. Any concerns or requests related to the applicant’s PRRB case should be addressed directly to the PRRB.

11. The Board therefore finds that the applicant has not proven by a preponderance of the evidence that the disputed OER is erroneous or unjust. There are no grounds for removing the disputed OER because he has not proven by a preponderance of the evidence that it was 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.<sup>10</sup>

12. The applicant asked that his non-selections for promotion to CDR be removed from his record and that the Board convene an SSB to determine if he would have been promoted with a corrected record. However, the applicant has not proven by a preponderance of the evidence that the disputed OERs were erroneous or unjust when they were reviewed by the selection boards. Therefore, the Board finds no grounds for directing the Coast Guard to convene an SSB.<sup>11</sup>

13. Accordingly, the applicant’s relief should be denied.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

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<sup>10</sup> *Hary*, 618 F.2d at 708.

<sup>11</sup> 14 U.S.C. § 263 (requiring “material error of fact or material administrative error” to grant an SSB).

**ORDER**

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

June 10, 2022

[REDACTED] Digitally signed by [REDACTED]  
Date: 2022.06.21 16:04:20 -04'00'

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Date: 2022.06.16 10:57:43 -04'00'

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Date: 2022.06.21 09:08:08 -04'00'

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