

**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. 2025-039**

  
LT/O-3

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**FINAL DECISION**

This proceeding was conducted by the Board for Correction of Military Records of the Coast Guard (hereinafter “Board” or “BCMR”) 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 January 23, 2025, and assigned the case to a staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated October 16, 2025, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**INTRODUCTION**

The applicant, a Coast Guard Lieutenant (LT/O-3), has asked the Board to direct the Coast Guard to remove two CG-3307 (Administrative Remarks) (hereinafter “Page 7”) entries related to a January 2018 alcohol incident (hereinafter “AI”) from his record.

**SUMMARY OF THE RECORD**

The applicant graduated from the Coast Guard Academy and was commissioned as an Ensign (EN/O-1) in May 2016. He was promoted to Lieutenant Junior Grade (LTJG/O-2) in November 2017.

On January 9, 2018, the applicant was present when alcohol was consumed, and an enlisted member was injured, during a port call in a foreign country. On January 12, 2018, a unit investigation was completed. The investigation report has not been made available

to the Board. On January 19, 2018, a Page 7 was issued in which the applicant was advised that the incident constituted an AI.<sup>1</sup>

On March 18, 2018, an additional Page 7 was issued. It noted the applicant had been screened for alcohol abuse following the January 2018 AI, and been advised of Coast Guard drug and alcohol abuse policies and the availability of support programs. The Page 7 also directed the applicant to report the results of his screening to future unit Commands and/or Command Drug and Alcohol Representatives (CDARs).

On April 20, 2018, an additional Page 7 was issued. This Page 7 congratulated the applicant for completing an addiction medicine early intervention education program and advised him that future alcohol misuse could lead to separation.

On April 30, 2018, the Coast Guard Personnel Records Review Board (PRRB) received a request from the applicant to remove the January 2018 Page 7 from his record on the basis that the incident in question did not meet the criteria to be considered an AI.<sup>2</sup>

On September 17, 2018, the PRRB issued its findings, conclusions, and recommendations. The PRRB initially noted that it had reviewed the January 2018 Page 7, a personal statement about the incident in question, and a January 2018 unit investigation report.<sup>3</sup> Regarding the nature of the incident resulting in the applicant's AI, the PRRB included limited information in its decision, noting only that the applicant disputed "the claim that he abused alcohol resulting in the injury of ... an enlisted crewmember ... on a port call in [January 2018]." Ultimately, the PRRB concluded that the circumstances in question did not meet the criteria for an AI finding. In this regard, the PRRB acknowledged that Coast Guard policy granted Commanding Officers wide latitude to determine whether an AI had occurred. After discussing the case "at length," however, the PRRB found that an AI had not occurred for the following reasons: (1) alcohol had not been a causative factor resulting in the applicant's loss of ability to perform his duties; (2) the applicant had not, in fact, lost his ability to perform; (3) the applicant's consumption of alcohol had not caused the injury suffered by the enlisted member; (4) the applicant did not act in a way that brought discredit to the Coast Guard; (5) the applicant immediately rushed to the aid of the injured member; and (6) alcohol consumption did not result in anyone present being charged with a violation of the Uniform Code of Military Justice, or other federal, state, or local law. The PRRB also noted that it had adjourned to review the applicant's full

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<sup>1</sup> Detailed information about the January 9, 2018, incident has not been submitted to the Board. Nor have the January 12 unit investigation or the January 19 Page 7 been made available. As such, the limited information provided in this paragraph derives from a September 2018 decision of the Coast Guard Personnel Records Review Board, which is summarized directly below.

<sup>2</sup> The PRRB is an internal Coast Guard body authorized to review applications from current servicemembers for corrections of a limited category of records (including removal of negative Page 7s) received within one year of the allegedly erroneous record entry or omission in question. *See* Correcting Military Records, COMDTINST 1070.1, Article 7.c. (September 2011).

<sup>3</sup> As noted above, none of the materials reviewed by the PRRB have been submitted to the Board.

personnel data record (PDR), whereupon it found the applicant had no “propensity for, or past encounters with alcohol abuse.” The PRRB did state, however, that while it did not feel the applicant’s actions constituted an AI, poor judgment was exercised by junior officers, including the applicant, in socializing with junior enlisted crewmembers, and the situation could have been more properly documented in a letter of censure or in an Officer Evaluation Report (OER), as – according to the PRRB – had been recommended in the unit investigation report. The PRRB concluded by recommending that the disputed Page 7 issued in January 2018 be removed from the applicant’s record, and its decision be provided to the applicant’s CO for consideration and re-evaluation of whether to revise the applicant’s OER for the period in question or issue a letter of censure. So, the PRRB recommended that relief be granted by removing the disputed Page 7 from the applicant’s record and providing a copy of the PRRB report to the applicant’s CO for consideration to re-evaluate revising the applicant’s OER for that period or issuing a letter of censure.

The PRRB’s findings, conclusions, and recommendations were approved by the Coast Guard’s Acting Director of Reserve and Military Personnel, and the January 2018 Page 7 was removed from the applicant’s record.

Three days later, on September 20, 2018, the applicant’s OER for the reporting period from mid-December 2017 to mid-May 2018 was amended. While the applicant’s evaluation remained highly positive, including a recommendation for promotion at first opportunity, a “3” was entered for the category of “Judgment.” Accompanying comments referred to a “[l]apse in judgment on port call created fraternizing environment & accidental injury to junior crew.” Reporting Officer comments also noted, in relevant part: “Despite setback from poor judgment call, has displayed positive attitude & no loss of productivity or effectiveness.”

The applicant was promoted to Lieutenant (LT/O-3) in January 2021.

The applicant’s pre- and post-2018 OERs are highly positive and strongly recommend promotion. He has also received multiple commendations and citations. Upon review, the Board finds no derogatory information in the applicant’s PDR, aside from the March and April 2018 Page 7s.

### APPLICATION

In his January 2025 submission to the Board, the applicant requested that the March and April 2018 Page 7s be stricken from his record on the basis that they were issued as a consequence of the now-rescinded January 2018 AI. The applicant asserted that per the September 2018 PRRB decision, “all references to [the January 2018] incident, including related documentation, were to be removed” from his record. He further stated that per Coast Guard policy, Page 7s were to be issued to document alcohol screenings and education following the occurrence of an AI. Because the Page 7s were, therefore, “solely

generated” because of the now-rescinded AI, the applicant argued it was “no longer just” to have the additional Page 7s in his records. He argued that the remaining documents were entirely unsupported by anything else in his records, and their remaining undermined the PRRB’s decision, misrepresented his record, negatively impacted his promotability to Lieutenant Commander.

Regarding the timing of his submission, the applicant explained that he had never thoroughly reviewed his records until he began to prepare for a LCDR promotion board. On his application form, he indicated the date of his discovery of the error/injustice underlying his application was December 2024. The applicant also noted that the interactive personnel electronic records management system (iPERMS) came online in November 2022, allowing members to access their PDR digitally.<sup>4</sup>

The applicant requested that the Board issue a decision before the upcoming LCDR promotion board scheduled for August 2025.

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

In a memorandum dated April 14, 2025, the Coast Guard Personnel Service Center (PSC) recommended that the Board grant the relief requested by the applicant. The PSC noted that the PRRB’s decision had narrowly directed removal only of the January 2018 Page 7 documenting the AI, and not the other two. The PSC stated, however, that it was unclear whether the latter two entries were in the applicant’s PDR at the time of the PRRB’s review of the case.

The PSC also stated that its own review of the record clearly indicated that the March and April 2018 Page 7s in question were a result of the AI which the PRRB had expunged in its decision.

In a memorandum dated June 6, 2025, a Coast Guard Judge Advocate (JA) adopted the facts and analysis provided by the PSC and recommended the Board grant the application.

### **APPLICANT’S RESPONSE**

The Board provided the applicant with the Coast Guard’s views on June 9, 2025, and invited him to submit a response within 30 days. No response was submitted.

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<sup>4</sup> The 2022 transition to iPERMS for managing personnel records allowed Coast Guard members to view their records in “real time.” See <https://www.mycg.uscg.mil/News/Article/3207802/coast-guard-completes-human-resources-record-transition/> (accessed October 3, 2025).

## APPLICABLE LAW AND POLICY

### *Board Authority and Discretion*

The Board may “correct any military record . . . when [it] considers it necessary to correct an error or remove an injustice.” 10 U.S.C. § 1552(a)(1). “Error” means a mistake of a significant fact or law and includes a violation by the Coast Guard of its own regulations. *See Reale v. United States*, 208 Ct. Cl. 1010, 1011 (1976) (“‘Error’ means legal or factual error.”); *Ft. Stewart Schools v. Federal Labor Relations Authority*, 495 U.S. 641, 654 (1990) (“It is a familiar rule of administrative law that an agency must abide by its own regulations.”). “Injustice,” when not also error, is treatment by the military authorities that “shocks the sense of justice.” *Sawyer v. United States*, 18 Ct. Cl. 860, 868 (1989) citing *Reale v. United States*, 208 Ct. Cl. 1010, 1011, cert. denied, 429 U.S. 854, 50 L. Ed. 2d 129, 97 S. Ct. 148 (1976). The Board has authority to determine whether an injustice exists on a “case-by-case basis.” Docket No. 2002-040 (DOT BCMR, Decision of the Deputy General Counsel, Dec. 4, 2002).

“The Board begins its consideration of each case presuming administrative regularity on the part of the Coast Guard and other Government officials. The Applicant has the burden of proving the existence of an error or injustice by a preponderance of the evidence.” 33 C.F.R. § 52.24(b). Absent evidence to the contrary, the Board presumes that Coast Guard officials have carried out their duties “correctly, lawfully, and in good faith.” *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

### *Coast Guard Policy*

When the Page 7s in question were issued – both in 2018 – the Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (September 2011) was in effect.

According to Article 1.A.2.d. of the policy, a finding of an AI required: (1) that the member consumed alcohol; and (2) a behavior in which alcohol was determined to be a significant or causative factor resulted in either the member’s loss of ability to perform assigned duties, discredit upon the service, or was a violation of the UCMJ or other federal, state, or local law.

Per Art. 2.B.5., members involved in an AI were to be screened for alcohol abuse, and the results of the screening recorded in a Page 7. Per Art. 2.C., COs were authorized to request alcohol rehabilitation treatment for the member and if completed successfully following a first AI, the member would be permitted to continue serving in the Coast

Guard. According to Art. 2.C.8., a member's completion of rehabilitative alcohol treatment was also to be recorded in a Page 7.

## FINDINGS AND CONCLUSIONS

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

### *Jurisdiction and Other Preliminary Issues*

1. The Board has jurisdiction under 10 U.S.C. § 1552(a), as the applicant is seeking a correction of an alleged error and/or injustice in his military records.

2. The applicant has exhausted all available administrative remedies, as required by 33 C.F.R. § 52.13(b), because there is no other currently available forum or procedure provided by the Coast Guard for correcting the alleged error or injustice that the applicant has not already pursued. Because applications to the PRRB must be submitted within one year of the record entry in question, the PRRB is no longer an available forum for the applicant's request. *See* Correcting Military Records, COMDTINST 1070.1, Article 7.c.(6) (September 2011) ("Applications which exceed [the PRRB's] time restrictions ... may be submitted directly to the [BCMR]").

3. The applicant requested a hearing before the Board via video or telephone. The Chair, acting pursuant to 33 C.F.R. § 52.51, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation. *See Armstrong v. United States*, 205 Ct. Cl. 754, 764 (1974) (stating that a hearing is not required because Board proceedings are non-adversarial and 10 U.S.C. § 1552 does not require them).

### *Timeliness*

4. The application was not filed within three years of the applicant's discovery of the alleged error or injustice, as required by 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22. The two Page 7s in question were issued in 2018, and the application was not filed until 2025. However, the three-year statute of limitations contained in 10 U.S.C. § 1552(b) is tolled during the applicant's active duty service, which is ongoing.<sup>5</sup> Therefore, this application is timely.

### *Analysis*

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<sup>5</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).

5. The PRRB determined in its September 2018 decision that the January 2018 incident did not meet the criteria for an AI under COMDTINST M1000.10 and recommended the January 2018 Page 7 be removed. That decision was approved and implemented. Accordingly, the question of whether an AI occurred is not before the Board, and the Board will assume for purposes of its analysis that the January 2018 Page 7 was never issued.

6. Pursuant to the version of COMDTINST M1000.10 in effect in 2018, alcohol abuse screening was required following determination of an AI, and rehabilitative treatment could be offered following a first AI. Per Art. 2.B.5. and 2.C.8. of the policy, Page 7 entries documenting the screening and completion of treatment, respectively, were to be issued. The Board's review supports the Coast Guard's view that the March and April 2018 Page 7s in this case were issued according to these policies as a direct result of the January 2018 AI determination.

7. Normally, the Coast Guard's creation of records is entitled to a presumption of regularity. Here, that presumption is overcome, given the PRRB's rescission of the underlying AI, the Coast Guard's position that the March and April 2018 Page 7s were issued as a result of that AI, and the absence of any independent basis in the record supporting the issuance of the latter two Page 7s. In this regard, while the applicant's OER for the relevant period was revised, consistent with the PRRB's recommendation, the revision referenced only a lapse in judgment, without any reference to alcohol.

8. The Coast Guard suggested that it is unclear whether the PRRB's review of the applicant's record included the March and April 2018 Page 7s. Whether it did or not, however, their continued presence would tend to render the PRRB's findings and recommendation ineffective.

9. The Board's review of the applicant's PDR reveals no other indications of alcohol abuse, nor any other disciplinary history or derogatory information of any kind. The applicant's OERs reflect excellent performance and high potential.

10. After careful consideration of the foregoing, and the entire record, the Board finds that amendment of the applicant's records is necessary to correct an injustice. Accordingly, the Board will direct the Coast Guard to remove the March and April 2018 Page 7s from the applicant's record.

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

**ORDER**

The application of LT [REDACTED] is granted. The Coast Guard shall remove the CG-3307s dated March 18, 2018, and April 20, 2018, from the applicant's record.

October 16, 2025

