

**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. 2025-065**

  
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 (“Board”) according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. After receiving the completed application, the Chair docketed the case on March 7, 2025, and assigned it to a staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated January 16, 2026, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**INTRODUCTION**

The applicant is a current member of the Coast Guard who was promoted to lieutenant (LT/O-3) on January 15, 2025. She contends that her non-selection by the promotion year 2023 (PY23) LT promotion board was due to the presence of erroneous and unjust entries in her Officer Performance Evaluation (OER) for the reporting period from July 2021 to January 2022, and the omission or misclassification of other records in her personnel file reviewed by the board. She requests that the Board replace the OER with a “continuity OER,” remove the record of her non-selection by the PY23 promotion board, adjust the date of her LT promotion to reflect selection by the PY23 board, and award any corresponding back pay and allowances.

**SUMMARY OF THE RECORD**

On April 13, 2020, the applicant was commissioned as an ensign (ENS/O-1) after graduating from Coast Guard Officer Candidate School (OCS).

The applicant’s initial assignment was as Assistant Chief of a Coast Guard Sector’s Incident Management Division (IMD) for a three-year active duty period. Her primary

duties initially involved management of response to pollution incidents. The applicant was also assigned collateral duties as “morale officer” for approximately 200 members, which required the planning and execution of morale events.

In May 2021, the applicant began working towards her Operations Unit Controller (OU) qualification, which allows a member to serve as a Search and Rescue watchstander. Among other things, obtaining the OU qualification requires completion of 15 supervised “break-in” watches, sign-off on knowledge requirements known as performance qualification standards (PQS), and passage of a qualification board consisting of senior qualified personnel.<sup>1</sup>

Between May 2021 and August 2021, the applicant completed the minimum 15 supervised watches required for OU qualification. These watches were completed in the Sector’s Command Center.

In October 2021, the applicant was promoted to lieutenant junior grade (LTJG/O-2).

In November 2021, the applicant failed her first OU qualification board attempt.

On January 24, 2022, the applicant passed her second OU board attempt and became fully qualified as an OU.

The applicant’s OER for the evaluation period from July 10, 2021, to January 31, 2022, discussed the applicant’s duties as IMD Assistant Chief and as morale officer. In relevant part, her supervisor’s comments stated that the applicant effectively managed resources and contributed to morale and response operations, but “[s]truggled using CG pubs to acquire, apply & share technical knowledge & skills associated w/primary duty,” and that she “lack[ed] independent action & required step-by-step details to accomplish primary & collateral duties: needed prompting to schedule morale meetings & steady oversight/constant motivation to obtain OU qual.”

The numerical marks on the OER included a 3 (on a 1–7 scale) for the performance categories of “Professional Competence” and “Initiative,” 4’s for “Responsibility,” “Using Resources,” “Results/Effectiveness,” “Judgment,” and “Developing and Directing Others,” and 5’s in “Teamwork,” “Workplace Climate,” and “Adaptability.” On the comparison scale, the reporting officer placed the applicant in lowest of three blocks in the category of “One of the many high performing officers who form the majority of this grade.”<sup>2</sup>

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<sup>1</sup> U.S. Coast Guard Addendum to the United States National Search and Rescue Supplement to the International Aeronautical and Maritime Search and Rescue Manual, COMDTINST M16130.2F (January 2013) § 1.3.1.1.

<sup>2</sup> The Comparison Scale section is completed by the reporting officer based on his or her comparison of the officer to other officers of the same rank. The lowest mark on the scale is “Unsatisfactory.” The second lowest mark is

In his comments, the reporting officer noted that the applicant had recently been promoted to LTJG and was working on building practical expertise in pollution response and Command Center functions, and that she had recently qualified as an OU. He described her as tackling assigned duties with a positive attitude and being very approachable. The reporting officer further stated that the applicant “occasionally displays the skills & abilities needed to succeed, but growth & development has been hindered since accession due to pandemic-related restrictions, lack of in-person C-schools, lengthy telework periods.” The reporting officer concluded by stating the applicant needed additional operational assignments to further develop the breadth and depth of her “professional competence/experience/leadership” and he recommended her for billets in enforcement, the Command Center, or emergency management to build on her operations foundation.

On March 15, 2022, the applicant signed the OER, acknowledging receipt. The record does not show that she submitted an OER reply or sought review of the OER through the Coast Guard’s Personnel Records Review Board or otherwise.

In August 2022, the applicant executed an agreement extending her active duty service through mid-2024.

On July 5, 2023, the applicant received a Letter of Commendation in recognition of her service during her initial active duty assignment.

On August 4, 2023, the applicant was transferred to a new unit.

The applicant was considered but not selected for promotion to LT by the PY23 LT promotion board.<sup>3</sup>

On January 15, 2025, the applicant was promoted to LT after being selected by the PY25 board.

On February 10, 2025, the Board received the application now under consideration.

### **APPLICATION TO THE BOARD**

The applicant contends that a series of errors and injustices had a significant negative impact on consideration of her promotion to LT in PY23. She asks the Board to direct the Coast Guard to: (1) replace her OER for the evaluation period ending January

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“Marginally performing officer.” The third through fifth blocks are for “One of the many high performing officers who form a majority in this grade.” The two highest possible marks are “One of few distinguished officers,” and finally “Best officer in this grade.”

<sup>3</sup> The date of the applicant’s non-selection by the PY23 promotion board is not entirely clear from the record, but based on contextual factors, the Board infers that the board met sometime between July and December 2023.

31, 2022, with a continuity OER; (2) remove the record of her non-selection by the PY23 LT promotion board; (3) backdate her promotion to LT as if she was selected by the PY23 board; and (4) issue her any resulting backpay and allowances.

The applicant explains that on November 23, 2021, while pursuing her OU qualification in addition to her primary duties, her access to the Sector Command Center was removed. She explains that on the previous day, while standing a 12-hour break-in watch in the Command Center, she asked a qualified OU to change the channel on the watch floor television because the movie being shown included female nudity in violation of policy, which allowed only news and weather to be displayed. The applicant states that the qualified OU responded to the effect that only qualified OU's could determine the channel, and that she responded by stating that as the highest ranking member present, she should control the channel.

According to the applicant, when she reported for an additional watch on November 23, 2021, the Command Center Chief (hereinafter "Chief 1")<sup>4</sup> informed her that she was being removed from the Command Center indefinitely because the supervisor "couldn't have [her] pulling rank" on the watch floor. According to the applicant, Chief 1 also stated that several watchstanders had complained to him about the applicant and no longer wished to stand watch with her. The applicant asserts that Chief 1 also referenced the applicant's use of personal leave for an international trip as evidence that she did not care about obtaining her OU qualification. The applicant further notes that her removal from the Command Center was never documented, which she contends is a violation of Coast Guard policy requiring documentation of adverse personnel actions.

The applicant contends that her exclusion from the Command Center – ultimately from November 23, 2021, to February 7, 2022 – constituted harassment and created a hostile work environment under Department of Homeland Security (DHS) and Coast Guard policies. She also cites federal merit system principles barring government decisions made for subjective, personal reasons, rather than on the basis of objective performance issues or misconduct. The applicant asserts that her exclusion from the Command Center was inconsistent with those policies, interfered with her work performance, and made obtaining and maintaining her OU qualification more difficult.

In a November 23, 2021, email submitted with the application, the applicant reported her concerns about her removal from the Command Center to her supervisor, noting that she felt personally targeted and that her removal ran counter to an "inclusive work environment." The applicant states that her supervisor did not report or investigate her complaint and responded in a dismissive manner, discouraging her from pursuing the matter further.

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<sup>4</sup> Chief 1 was a commander (CDR/O-5) at the time relevant to the application, not a chief petty officer or warrant officer. Because the Board refers to the applicant's reporting officer – a different individual – as CDR 1 in sections below, however, it has chosen to refer to the Command Center Chief as Chief 1.

The applicant states that despite being barred from the Command Center, she prepared for her second January 2022 OU qualification board by studying on her own time and consulting watchstanders outside the Command Center. She states that although she passed the board, she was not placed back on the watch schedule until early February, compromising her ability to maintain her qualification, which required performance of regular watches.

The applicant argues that these events directly contributed to the negative comments and numerical marks on her OER for the evaluation period ending January 31, 2022. She contends that she qualified as an OU despite being barred from the Command Center and disputes her rating chain's statements to the effect that she needed constant oversight and motivation to obtain the OU qualification, noting that her access was restricted by command's own decision.

The applicant further argues that the expectations placed on her related to the OU qualification were unreasonable, and she cites to various Coast Guard policies which she argues did not set any specific timeline for OU qualification for watchstanders with other primary duties (otherwise known as collateral watchstanders). Because the applicant completed the OU qualification during the evaluation period, despite her restricted access, she argues, the portions of her OER suggesting inadequate motivation were erroneous and unjust. In turn, she argues, the erroneous and unjust OER materially and negatively impacted her competitiveness in the eyes of the PY23 LT promotion board.

The applicant also points to the statement in the disputed OER that her "growth & development has been hindered since accession due to pandemic-related restrictions, lack of in-person C-schools, [and] lengthy telework periods." She argues that this language violated Coast Guard OER policy – further detailed later in this decision – which directs rating chains to ensure that officers do not receive substandard evaluations strictly due to temporary conditions that limit opportunities to perform.

In addition to these performance-related issues, the applicant asserts that her personnel file at the time of the PY23 promotion board was incomplete and inaccurate. She argues that in addition to violating Coast Guard policy, the omission and mischaracterization of certain records ran afoul of federal statutory recordkeeping requirements. The applicant states that eleven documents and two awards were either missing or inaccurately entered in her personnel file when the PY23 board convened. Specifically, as to awards, the applicant notes that her July 2023 Letter of Commendation covering her initial active duty assignment was miscoded in Coast Guard internal systems and that her Armed Forces Service Medal was missing. The applicant also contends that a number of basic documents – such as her state of legal residence form, financial documents, active duty agreements, and oaths of office – were missing and were not filed in her records until 2024. The applicant argues, in particular, that the absence of her August

2022 active duty extension agreement may have caused confusion about her time in service, time in grade, and commitment to continued service. In support of her contentions, the applicant submitted a statement by a Coast Guard yeoman detailing efforts he and the applicant had made in 2024 to ensure the applicant's personnel records were complete and accurate.

The applicant maintains that her undocumented removal from the Command Center, unreasonable expectations related to her OU qualification, missing and inaccurate personnel records, and erroneous and unjust OER resulted in her non-selection for promotion to LT in 2023. For these reasons, she asks the Board to remove the allegedly erroneous OER and non-selection record and backdate her promotion to LT to reflect that she was selected by the PY23 board.

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

The Coast Guard recommends the Board deny all relief requested by the applicant. Its reasoning was detailed in memoranda completed by the Personnel Service Center (PSC) and a Judge Advocate (JA) in May and September 2025, respectively.

With its submission to the Board, the Coast Guard includes sworn declarations from the applicant's supervisor (hereinafter "LT 1") and reporting officer (hereinafter "CDR 1") at the time relevant to the application, and Chief 1 (again, the Command Center's Chief at the time).

The Board will initially summarize the sworn declarations before moving to the arguments submitted by the PSC and JA.

#### Declarations

##### *LT 1*

LT 1 stated she was the IMD Chief and the applicant's direct supervisor from July 2021 to July 2023. LT 1 initially stated that upon her arrival to her IMD assignment, she was advised by the applicant's former supervisor that the applicant had performed below expectations but that the marks proposed by the former supervisor on a prior OER had been increased by the applicant's former reporting officer. LT 1 then described an initial counseling session she held with the applicant to discuss expectations generally. LT 1 recalled that at this time, she and the applicant mutually set a goal of September 30, 2021, for the applicant to become qualified as an OU.

LT 1 recalled personally assisting the applicant with study sessions, lending her own study materials to the applicant, and arranging for the applicant to meet with other senior personnel for additional assistance. LT 1 described multiple occasions, however, when the

applicant either missed such meetings entirely or arrived unprepared, not having reviewed suggested material. LT 1 recalled that feedback from others consistently noted a lack of preparation and/or understanding by the applicant. LT 1 also noted that despite pandemic protocols, the applicant insisted on keeping her goal of late September 2021 for OU qualification, and requested an OU board in early November 2021, which she failed.

Regarding the applicant's temporary removal from the Command Center, LT 1 stated that she was informed by Command Center leadership about ongoing concerns about the applicant's interactions on the watch floor, including missed or late watches, frustration from other members who believed the applicant was wasting their time with questions without having studied material on her own, and other issues. LT 1 characterized the November 2021 incident involving the television referenced by the applicant as the "final straw," and recalled that Chief 1 had consulted with other members of leadership before deciding to remove the applicant from the Command Center. LT 1 also noted that at the time of her removal, the applicant had already met the minimum number of required watches for qualification and the remaining tasks were knowledge-based, such that the applicant could complete them without Command Center access.

LT 1 also discussed various circumstances which occurred during the rating period with respect to the applicant's collateral duties as morale officer, including the need for LT 1 to attend meetings about morale events herself, as she was unable to fully rely on the applicant. LT 1 stated that overall, the applicant needed frequent "prompting" and "full oversight" to facilitate meetings and execute her morale officer duties.

LT 1 went on to explain that in her judgment, the applicant had not met the standards for a 4 rating in either "Professional Competence" or "Initiative" during the reporting period, and that a 3 rating accurately reflected the level of supervision and prompting required. LT 1 also emphasized that she and other members of the applicant's chain of command discussed the OER at length, concurred on its content, and counseled the applicant on specific areas in which she needed to improve.

LT 1's declaration was accompanied by numerous enclosures. These included an August 2021 e-mail from LT 1 to CDR 1 documenting guidance provided to the applicant to the effect that she should not leave watches early without checking with command. The enclosures also included November 2021 e-mails showing that the applicant arrived to an OU qualification study session with a senior officer unprepared, and cancelled a previously scheduled study session with another senior officer minutes beforehand because she was out to lunch off base.

### *CDR 1*

CDR 1 stated he was the Response Department Head and the applicant's reporting officer during the relevant period. CDR 1 recalled being briefed on the applicant's prior

underperformance and he stated that his own observations were of a junior officer who required significant reminders and counseling and became a “leadership burden” up the chain of command. In CDR 1’s view, he stated, the applicant’s performance did not satisfy the “excellent operational or specialty expertise” and self-motivated professional growth required of a 4 rating in “Professional Competence.” Nor, CDR 1 stated, was a 3 rating in “Initiative” warranted, because the applicant required extensive “prodding” for both her primary and collateral duties. CDR 1 further emphasized the seriousness with which he considers OERs, and he stated that he and LT 1 gave significant thought to the marks and content of the applicant’s OER for the relevant period, and engaged in discussion with the Sector Commander – who agreed with them – before counseling the applicant.

### *Chief 1*

Chief 1 stated that he was the Command Center Chief and oversaw both permanently assigned members and collateral duty watchstanders during the relevant period. While not in the applicant’s rating chain, CDR 1 stated he had observed her performance and training.

Chief 1 explained that the applicant’s removal from the Command Center in November 2021 was based on a pattern of unprofessional behavior and lack of genuine effort toward her OU qualification, rather than the single incident involving the television referenced in the application. Specifically, Chief 1 explained, the applicant was the subject of multiple complaints from senior enlisted and civilian watchstanders, had arguments with staff, “disappeared” during watches, and attempted to obtain sign-off on PQS requirements for the OU qualification immediately after information was explained to her, without demonstrating actual knowledge. Chief 1 also referenced an accusation of cheating made against the applicant during a Search and Rescue school examination prior to the period evaluated in the disputed OER, though he noted that the applicant was allowed to retest and remain in the course. Regarding the applicant’s report of nudity on the watch floor television, Chief 1 recalled that he was appreciative of the applicant’s report and addressed the issue with all watchstanders via email directly afterward.

Chief 1 also noted that at the time of her removal in November 2021, the applicant had already met the minimum number of break-in watches for OU qualification. He recalled further that after approximately two months, and her passage of the OU board, the applicant was invited back and her behavior improved. Finally, Chief 1 contrasted the applicant’s performance with that of other junior officers who had met their qualification timelines during the same period despite facing the same pandemic-related constraints as the applicant.

PSC and JA Arguments

Regarding the applicant's allegation that the timeline expected for her OU qualification was unrealistic, the Coast Guard acknowledged that the relevant policy did not include a required timeline for collateral duty watchstanders to qualify. The Coast Guard noted, however, that the applicant's supervisor, in coordination with the applicant, had specified a deadline to ensure the applicant had the necessary qualifications and knowledge to perform her duties. The Coast Guard noted that the applicant had failed to meet this deadline – the end of September 2021 – and failed her first qualification board before her temporary denial of access to the Command Center began.

Regarding the disputed OER's marks and content, the Coast Guard noted that the sworn declarations it had provided discussed numerous instances when the applicant was unprepared for meetings or study sessions with senior members or failed to show up altogether. According to the declarations, the Coast Guard noted, it was this and other unprofessional behavior which led to the applicant's temporary removal from the Command Center and the content of her OER.

Regarding the applicant's reference to OER policy prohibiting substandard evaluations "strictly" as a consequence of a "temporary condition," the Coast Guard argued that this provision was intended for members' medical conditions or other hardships, and that the contextual references to the COVID-19 pandemic in the applicant's OER did not constitute a violation.

Regarding the applicant's assertion that the omission of certain documents from her personnel file at the time of the PY23 LT board constituted error or injustice, the Coast Guard referred to policies making clear that many of the records are not of the type to be reviewed by promotion boards, and further that it is each member's responsibility to ensure the accuracy of their own records.

In sum, the PSC and JA argued that the applicant had not overcome the presumption of regularity applicable to the Coast Guard's actions and had not established an error or injustice by a preponderance of the evidence. As such, the Coast Guard recommended denial of all relief requested by the applicant.

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

The applicant submitted a reply to the Coast Guard's submissions on November 28, 2025. Therein, she largely reiterates the arguments set forth in her original application but adds detailed rebuttals to the arguments and declarations submitted by the Coast Guard. She also requests that "inaccurate and unjust statements" in the memoranda submitted by PSC and the JA, and the accompanying declarations, also be removed from her record.

The applicant maintains that her November 2021 removal from the Command Center was unjust and retaliatory and ultimately resulted in her negative OER and non-selection for promotion in PY23. In this regard, she emphasizes that her removal was never documented, despite Coast Guard policy allegedly requiring documentation when an action is taken based on misconduct. She also reasserts that her removal was based primarily on her report of nudity on the watch floor television.

The applicant asserts that her treatment violated her due process rights under the U.S. Constitution, in addition to DHS and Coast Guard anti-harassment policy and merit system principles, civil rights laws, and statutory whistleblower protections. Regarding the latter, the applicant views her report of improper television content as a protected communication which she alleges was followed immediately by an adverse personnel action.

The applicant goes on to challenge the credibility of the declarations provided by LT 1, CDR 1, and Chief 1, which she argues omit the fact that she reported nudity on the television. The applicant also emphasizes Chief 1's reference to an alleged cheating incident – for which she states she was never counseled or reprimanded – which occurred prior to the rating period of the disputed OER and therefore should not have been considered under Coast Guard policy. The applicant also disputes Chief 1's assertion that she “disappeared” from watches, noting that watchstanding was a collateral duty, whereas her primary duties required supervision of multiple enlisted members and managing morale across units. These duties, she states, required her to step away from break-in watches on occasion, and because she was “supernumerary,” it did not hinder Command Center operations.

The applicant also argues that her supervisor's statements about missed meetings, deadlines, and lack of preparation omit critical context, particularly her documented COVID-19 illness during September and October 2021. The applicant submits medical records showing that she did contract COVID-19 in September 2021 and was placed on “sick in quarters” (SIQ) or other excused status for multiple short periods. In light of her documented illness, the applicant characterizes the references to her lack of preparation or attendance at meetings as a “weaponization” of her periods of leave.

The applicant further disputes the declarations of her rating chain regarding the number of qualifications she possessed, noting that she had four qualifications by the end of the disputed evaluation period, rather than two as referenced by CDR 1.

The applicant also emphasizes that there is no documentary evidence of counseling, adverse administrative remarks, or performance improvement plans in her record, which she argues show that the declarations of LT 1, CDR 1, and Chief 1 are post hoc justifications created in response to her application, rather than accurate accounts of her performance.

The applicant also sets out positive aspects of her performance during the relevant period. Specifically, she describes initiating and executing multiple morale and command events, creating and managing a recycling program, producing reports for use in senior-level briefings, managing large budgets, volunteering for professional training and qualifications, mentoring junior personnel, and responding to pollution incidents. She argues that these actions show she met the requirements for marks higher than 3 in “Initiative” and “Professional Competence.”

## APPLICABLE LAW AND POLICY

### *Board Proceedings*

The Board may correct errors or remove injustices in a service member’s records pursuant to 10 U.S.C. § 1552(a). “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).

“It is the responsibility of the Applicant to procure and submit with his or her application such evidence, including official records, as the Applicant desires to present in support of his or her case.” 33 C.F.R. § 52.24 (a). “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 the preponderance of the evidence.” 33 C.F.R. § 52.24 (b). Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees 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 Policies*

Chapter 5 of the Officer Accessions, Evaluations, and Promotions manual, COMDTINST M1000.3A (September 2013), provides the following guidance on the Officer Evaluation System (OES):

- 5.B.5.a. [Commanding officers must] ensure accurate, fair, and objective evaluations are provided to all officers under their command. In using the OER, strict and conscientious adherence to specific wording of the standards is essential to realizing the purpose of the evaluation system.
- 5.C.6. Periodically, officers may experience circumstances due to a temporary condition which result in a limited opportunity to perform. These circumstances may involve specific performance restrictions (e.g., those imposed by a medical authority), which require restructuring or reassignment of duties. While preferential treatment must not be given, the rating chain must ensure these individuals do not receive substandard evaluations strictly as a consequence of these circumstances.
- 5.I.12. [The rating chain must not] discuss reported-on officer’s performance or conduct which occurred outside the reporting period....
- 5.K. The reported-on officer may reply to any OER. Replies provide an opportunity for the reported-on officer to express a view of performance which may differ from that of a rating official.

Article 1 of the Coast Guard Officer Evaluation System Procedures manual, PSCINST M1611.1C (December 2016), includes the following relevant provisions:

- 1.A. The Rating Chain. The rating chain provides the assessment of an officer’s performance and value to the Coast Guard through a system of multiple evaluators and Reviewers who present independent views and ensure fairness, accuracy and timeliness of reporting. It reinforces decentralization by placing responsibilities for development and performance evaluation at the lowest levels within the command structure. The rating chain consists of the Reported-on Officer, the Supervisor, the Reporting Officer, and the Reviewer (if applicable).
- 4.E.2. For each evaluation area, the Supervisor reviews the Reported-on Officer’s performance and qualities observed and noted during the reporting period. Then, for each of the performance dimensions, the Supervisor must carefully read the standards and compare the Reported-on Officer’s performance to the level of performance described by the standards. The Supervisor must take care to compare the officer’s performance and qualities against the standards — not to other officers and not to the same officer in a previous reporting period. After determining which block best describes the Reported-on Officer’s performance and qualities during the marking period, the Supervisor selects the appropriate circle on the form. Refer to Table 4-2 below and Chapter 19 in determining the appropriate mark to assign to each performance dimension. Inflationary markings dilute the actual value of each evaluation, rendering the OES and the OER itself ineffective.

MARK	MEANS THE MEMBER CONSISTENTLY
1	(Derogatory) – Met all the written performance standards in the “2” level and the rater considered the impact severely detrimental to the organization or to others.
2	(Below standard) – Met all the written performance standards in this level.

3	Did not meet all the written performance standards in the “4” block.
4	(Standard) – Met all the written performance standards for this level and none in the “6” level.
5	Met all the written performance standards in the “4” level and at least one of those in the “6” level.
6	(Above Standard)– Met all the written performance standards for this level and did not exceed any of them.
7	Met all the written performance standards in the “6” level and exceeded at least one of them.

**4.E.2.h.** Comments Required for CG-5310A and CG-5310C

1. In the “comments” block following each evaluation area, the Supervisor includes comments citing specific aspects of the Reported-on Officer’s performance and behavior. Well-crafted comments may apply to more than one dimension. Decreased comment space will require concise yet readable supporting verbiage and allow more flexibility to comment on significant performance. The Supervisor draws on their observations, those of any secondary Supervisors, and other information accumulated during the reporting period.
2. A mark of four represents the expected standard of performance. Additional specific performance observations must be included when an officer has been assigned a mark of 1, 2, 3, and 7. Those assigned the superlative mark of seven should have specific comments demonstrating how they exceeded the six “above standard” block.

**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 over this matter under 10 U.S.C. § 1552(a) because the applicant is requesting correction of an alleged error or injustice in her Coast Guard military record. 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.

2. The application is timely because it was filed within three years of the applicant’s discovery of the alleged error or injustice in the record, as required by 10 U.S.C. § 1552(b). The applicant received her OER in March 2022, and was non-selected by the PY23 LT board. Her application was received by the Board in February 2025.

3. The applicant declined a hearing before the Board and requested that her application be decided on the evidence and argument submitted.

4. The applicant contends that her OER covering the period from July 10, 2021, to January 31, 2022, was erroneous and unjust because its contents violated Coast Guard policy. She also contends the OER was negatively impacted by unreasonable expectations regarding her OU qualification, including as related to her improper temporary denial of access to the Command Center. She contends that the PY23 LT promotion board, in turn, was negatively influenced by the OER and by the omission and/or misclassification of documents in her personnel file reviewed by the promotion board. The OER in question:

- Documented positive aspects of the applicant's performance of her primary duties as IMD Assistant Chief and collateral duties as morale officer, including response to pollution incidents, issuance of letters of warning and civil penalties, qualification as an OU, and management of the morale budget and multiple events.
- Noted that the applicant "struggled using CG pubs to acquire, apply & share technical knowledge & skills associated w/primary duty," and "lacks independent action & required step-by-step details to accomplish primary & collateral duties: needed prompting to schedule morale meetings & steady oversight/constant motivation to obtain OU qual."
- Assigned a 3 rating for "Professional Competence" and "Initiative" and higher marks in other performance categories.
- Included comments from the reporting officer that the applicant "tackles assigned duties w/positive attitude & is very approachable; occasionally displays the skills & abilities needed to succeed, but growth & development has been hindered since accession due to pandemic-related restrictions, lack of in-person C-schools, lengthy telework periods," and recommended further operational assignments.

5. In cases requesting removal of an OER, it is not enough to "merely allege or prove that an [evaluation] seems inaccurate, incomplete or subjective in some sense," and instead the applicant 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. *Lindsay v. United States*, 295 F.3d 1252, 1259 (Fed. Cir. 2002), citing *Hary v. United States*, 618 F.2d 704, 708 (Ct. Cl. 1980).

6. The Board generally affords substantial deference to the judgment of officers' rating chains. Coast Guard policy entrusts supervisors and reporting officers with the responsibility to provide accurate, fair, and objective evaluations based on their direct observations and experience. Accordingly, the Board will not substitute its own performance judgments for those of the rating chain with respect to OERs absent clear evidence of factual inaccuracy or violation of law or policy.

7. The applicant argues that her OER violated Art. 5.C.6 of COMDTINST M1000.3A, which instructs that in cases of “temporary condition[s]” limiting opportunity to perform (e.g., medical restrictions), rating chains must ensure that officers “do not receive substandard evaluations strictly as a consequence of these circumstances.” The applicant argues that by noting her growth and development were hindered by “pandemic-related restrictions, lack of in-person C-schools, [and] lengthy telework periods,” the rating chain improperly penalized her for a temporary condition in violation of Art. 5.C.6.

8. The Board does not agree with the applicant’s reading of the policy. Even assuming the COVID-19 pandemic, lack of C-schools, and/or telework are considered “temporary conditions” within the meaning of Art. 5.C.6., the prohibition is against only substandard evaluations “strictly” as a consequence of such conditions. The policy also does not bar rating chains from acknowledging such conditions in order to provide context in an OER’s narrative comments. In this case, as detailed in the OER itself and the declarations of LT 1, CDR 1, and Chief 1, the applicant was not given a substandard evaluation as a result of the pandemic, a lack of training opportunities, or telework. Rather, the negative aspects of her evaluation were due to the degree of oversight from her chain of command that was required, her level of preparation for her OU qualification, and the need for prompting to execute her duties.

9. The applicant contends that some of her absences were a result of medical leave while recovering from COVID-19, and she submits medical records showing she was excused for illness during various parts of September and October 2021. The record does not show, however, that any instance of unprofessional behavior cited in the declarations by LT 1, CDR 1, or Chief 1 were during a period of medical leave. Instead, the declarants primarily discussed conduct which occurred while the applicant was at work. In addition, a primary example cited by LT 1 and corroborated with contemporaneous e-mails involved the applicant failing entirely to appear at a scheduled OU qualification study session, and when called by the senior officer who agreed to assist the applicant by holding the meeting, the applicant explained that she would not attend because she was out at lunch.

10. The Board briefly addresses Art. 5.I.12 of COMDTINST M1000.3A, which is not specifically cited by the applicant, but which appears implicated by the application. Specifically, Art. 5.I.12. prohibits discussion in an OER of performance or conduct outside the period except in limited circumstances. As regards the examination cheating allegation against the applicant referenced in Chief 1’s allegation, which occurred prior to the reporting period of the disputed OER, the Board observes that this allegation is not mentioned anywhere in the OER. It appears only in Chief 1’s declaration and is mentioned in passing as one factor in Chief 1’s assessment of the applicant’s professionalism and his decision to remove her temporarily from the Command Center. While Art. 5.I.12. restricts the content of OERs, it does not restrict the decision-making of a senior officer as to separate determinations about a subordinate’s duties and building access.

11. The applicant contends that her removal from the Command Center from late November 2021 until early February 2022 constituted harassment and retaliation for reporting nudity on the watch floor television. She also contends that her removal impeded her OU qualification and resulted in the negative aspects of her OER. The declarations provided by LT 1, CDR 1, and Chief 1, however, explain that the decision to temporarily revoke the applicant's Command Center access was based on a pattern of unprofessional behavior and lack of effort toward her qualification, rather than a single incident. Chief 1, who made the removal decision, explains that he relied on the allegation of cheating previously made against the applicant, repeated complaints from other watchstanders about the applicant's conduct, the applicant having occasionally "disappeared" from watches, and her attempts to obtain knowledge sign-offs required for her OU qualification without having demonstrated the knowledge in question. The latter situation, Chief 1 explained, led him to institute a policy allowing only he and other specified officers to sign off on the applicant's OU qualification PQS. Chief 1 also stated that in response to the applicant's report of nudity on the television, he separately emailed all watchstanders to emphasize the relevant policy, which the applicant does not refute.

12. Upon careful review, the Board finds the declarations of LT 1, CDR 1, and Chief 1 more persuasive than the applicant's characterization of her removal from the Command Center as purely retaliatory for her objection to inappropriate television content. Taken together, the declarations assert that the decision was based on a cumulative pattern of performance and interpersonal issues. These issues included reports from multiple watchstanders about the applicant's preparedness, responsiveness to instruction, and conduct on the watch floor, documented instances of missed or unproductive qualification study sessions, and the applicant's need for significant oversight regarding her progress toward OU qualification and collateral morale officer duties. The Board is persuaded of the declarations' credibility by their internal consistency, and their being supported by contemporaneous e-mails that real-time concerns and efforts by several senior officers to support the applicant's development. The Board has considered the applicant's contrary account and supporting materials but concludes that, on balance, the Coast Guard's evidence provides a more credible and coherent explanation for both the temporary removal from the Command Center and the subsequent marks and comments in the disputed OER.

13. The applicant has also emphasized the absence of any documentation of her removal from the Command Center but has not pointed to any statute, regulation, or policy, which barred Chief 1 from temporarily removing her, a collateral duty junior officer, from the Command Center as a performance improvement measure, or requiring that such action be documented as an adverse personnel action.

14. The Board acknowledges the applicant's references to laws and policies focused on whistleblower protections, harassment investigations, and recordkeeping

requirements. While these policies impose obligations on the Coast Guard and members of chains of command, they do not preclude rating chains from documenting legitimate performance concerns in an OER. In addition, the Board's role is to determine whether the OER and/or other records are erroneous or unjust. It is not to stand in place of authorities designated by the Coast Guard and other agencies to investigate and adjudicate reports of harassment and/or other policy violations.

15. The applicant argues that numerous missing or misprocessed records – including accession documents, active duty agreements, and awards – rendered her record inaccurate and incomplete at the time of her PY23 LT promotion board, in violation of Coast Guard policy and federal recordkeeping statutes. She alleges this may have resulted in her non-selection.

16. Both COMDTINST M1000.3A and COMDTINST 1410.2, however, make clear that Coast Guard officers bear primary responsibility for the accuracy of their records and are expected to review those records before a promotion board convenes and take reasonable steps to correct any errors or to notify the board of perceived deficiencies. Coast Guard policy also provides a mechanism for officers to communicate directly with a promotion board about record concerns. The applicant has not shown that she exercised those responsibilities with respect to the PY23 board, or that any identified omissions were beyond her ability to discover and raise in a timely manner.

17. COMDTINST 1410.2 also expressly provides that the omission of letters of appreciation or commendation and awards of the Meritorious Service Medal and below does not constitute grounds for challenging non-selection by a promotion board. The awards at issue in this case fall within that category. While the Board agrees that late or incorrect entries are regrettable and should be corrected, they do not, by themselves, warrant overturning a non-selection under Coast Guard policy. And in this case, given the applicant's duty to have made reasonable efforts as to the completeness of her records prior to the PY23 promotion board, the Board does not find the errors described by the applicant constitute errors or injustice sufficient to warrant the relief requested.

18. Nor, given its findings above with respect to the lack of error and/or injustice in the disputed OER, and based on its review of the entire record, the Board does not find that the applicant has demonstrated that the presence of the records in question would have altered the outcome of the PY23 LT board.

19. In her reply to the Coast Guard's views, the applicant also asks the Board to remove what she deems inaccurate and unjust statements in the Coast Guard's submission to the Board, including the declarations of LT 1, CDR 1, and Chief 1. The Coast Guard's advisory opinions and declarations are part of the Board's application file, however, not the applicant's military record. The applicant has not shown that they contain error or

injustice within the meaning of 10 U.S.C. § 1552, and thus, there is no basis for the Board to order them to be redacted or removed.

20. For the foregoing reasons, and after careful review of the entire record, the Board concludes that the applicant has not met her burden of proving that her contested OER, the PY23 promotion process, or her record as it existed at that time contained an error or injustice sufficient to warrant the relief requested. The OER appears to be the product of significant, reasoned, and collaborative deliberation on the part of the applicant's rating chain. The OER and the Coast Guard's arguments are also supported by credible, contemporaneous evidence.

21. Accordingly, the applicant's requests to expunge her OER and PY23 non-selection, and to backdate her promotion to LT, will be denied.

22. The Board is mindful that performance evaluations are among the most consequential decisions made about an officer's career. They necessarily involve the exercise of informed, professional judgment by those in the chain of command who observe the officer daily, and for that reason they are afforded substantial deference. In the Board's view, the applicant's submissions reflect a subjective disagreement with her rating chain about her performance during the relevant period, and do not show that her contested OER was based on a misstatement of significant fact, an improper factor, or a violation of statute or regulation. Nor has she proven that documentation of her non-selection or the omission of records at the time of the PY23 board warrant the relief requested. The Board's conclusion does not diminish the many positive aspects of the applicant's performance as documented in the record, nor her subsequent promotion to LT in early 2025.

23. The Board has carefully reviewed the applicant's extensive submissions. To the extent any argument or contention is not specifically addressed herein, the Board has determined that it does not affect the outcome of this decision or is not sufficiently persuasive to warrant individual discussion.

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

**ORDER**

The application of former LT [REDACTED] is denied.

January 16, 2026

