

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2022-038

██████████ ██████████ ██████████
LCDR/O-4

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 April 7, 2022, and assigned the case to an attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated May 3, 2024, 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) in the Coast Guard, asked the Board to correct her record by providing her with a Special Selection Board (SSB) for Promotion Year (PY) 2018 and PY 2019, which convened in 2017 and 2018, respectively. The applicant explained that as a Lieutenant (O-3), she received a favorable decision from the Board in docket number 2018-050, dated August 23, 2018, wherein the Board corrected her record by removing a negative Page 7 (counseling form CG-3307) and directing the Coast Guard to convene an SSB for PY 2017.¹ She stated that after the Page 7 was removed, although she was not selected for promotion to LCDR by the SSB for PY 2017, she was subsequently selected for promotion by the regular PY 2020 LCDR selection with her corrected record. The applicant asked the Board to now provide her with a SSB for every year after PY 2017 that the negative Page 7 was in her record for which she was not selected for O-4, and to backdate her date of rank and award her all back pay and allowances, if promoted.

The applicant claimed that the error or injustice occurred on May 13, 2016, the date that she received the negative Page 7, and that she discovered the current error on February 28, 2022.

¹ In BCMR Docket No. 2018-050, the Board found that a negative Page 7 in the applicant's record, dated May 13, 2016, was erroneous and unjust. The Page 7 documented her removal from weight probation. (The copy of her record provided by PSC did not contain a Page 7 placing her on weight probation, as would be expected.) The Board removed it from her record and directed the Coast Guard to convene an SSB to mimic the PY 2017 LCDR promotion board, which had convened in August 2016.

The applicant did not provide any new evidence in support of her request. She stated that a former colleague recommended that she now request a SSB for PY 2018 and PY 2019 with her corrected record. She further stated that before speaking with this colleague she was not aware that this was an option and that she now understood that, because selection board dynamics and candidates change significantly every year, there may be an opportunity for promotion for each year that she was non-selected with a record that included the negative Page 7.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on May 24, 2004. After completing Officer Candidate School, she was sworn in as an officer on May 10, 2006, and was subsequently promoted to Lieutenant/O-3.

On May 13, 2016, the applicant received a Page 7, which she acknowledged and signed that same day, which stated:

On this date your probationary period has come to an end. You weighed 165 (pounds) or achieved 34% body fat and have successfully met the requirements of the Weight/Physical Fitness Standards for Coast Guard Weight and Body Fat Standards Program Manual, COMDTINST M1020.8 (series).

The applicant was not selected for promotion by the PY 2017 LCDR selection board, which convened in August 2016 or by the PY 2018 LCDR selection board, which convened on August 7, 2017. However, she was selected for continuation on active duty and not discharged. The applicant submitted her first application to the Board on September 29, 2017, but only complained about her first non-selection in 2016. The applicant was also not selected for promotion by the PY 2019 LCDR selection board, which convened on August 6, 2018, before the BCMR issued its decision in 2018-050.

On August 23, 2018, the applicant received a favorable decision from the BCMR in docket number 2018-050, wherein the Board corrected her record by removing the May 13, 2016, Page 7² and providing her with an SSB for PY 2017. This decision included the following findings and conclusions:

3. The applicant alleged that the May 13, 2016, Page 7 in her military record is erroneous and unjust, as is her ensuing non-selection for promotion to LCDR. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust. 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.'³

² An Administrative Remarks record entry, for CG-3307, better known as a "Page 7," is used to document a member's notification of important information, achievements, or counseling about positive or negative aspects of a member's performance in the member's military record. There is no Page 7 placing her on weight probation in her record.

³ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

4. The Board agrees with the JAG that the applicant has proven by a preponderance of the evidence that as a result of her medical condition and hormone medication she qualified for a medical abeyance under Article 5.A. of COMDTINST M1020.8H. The lack of a medical abeyance constitutes both an error and injustice.⁴

5. Because the applicant was not placed on a medical abeyance following her diagnosis and prescription for hormones, she was deemed non-compliant at her April 2016 weigh-in and placed on weight probation. There is no Page 7 placing her on probation, but there is a Page 7, dated May 13, 2016, documenting her removal from probation once she came into compliance. The Board finds that the Page 7 dated May 13, 2016, should be removed from the applicant's record.

6. The applicant alleged that the documentation regarding her non-compliance with the weight standards may have caused her non-selection for promotion in 2016. The Board agrees with the JAG that it is certainly possible that the erroneous, prejudicial documentation of weight probation in her record caused her non-selection. . . . The Board finds that the applicant is entitled to an SSB under [Title 14 U.S.C. § 263(b)(1)] because her record erroneously and unjustly showed that she had been non-compliant with the weight standards, when she should have been granted a medial abeyance. . . .

In early 2019, the Coast Guard convened an SSB to reconsider the applicant's non-selection for promotion by the PY 2017 LCDR selection board, but she was not selected for promotion.

In July 2019, the applicant's record was reviewed by the regular LCDR selection board for PY 2020. She was selected for promotion to LCDR/O-4 and promoted on July 1, 2020.

VIEWS OF THE COAST GUARD

On July 28, 2022, a judge advocate general (JAG) of the Coast Guard submitted an advisory opinion and adopted the facts and analysis provided in a memorandum prepared by the Personnel Service Center (PSC). PSC recommended not granting relief because (1) the application was not timely; the applicant discovered the error or injustice more than three years ago as documented in the original BCMR application (docket no. 2018-050) and (2) the applicant failed to introduce new evidence that an error or injustice occurred. PSC did acknowledge in referencing 10 U.S.C. § 1552 that "a board may excuse a failure to file within three years after the discover if it finds it to be in the interest of justice."

The JAG adopted the facts and analysis provided by PSC, but unlike PSC found that the application was timely noting that (1) "[t]he Soldiers and Sailors Civil relief Act of 1940 tolls active duty members claims until the date of discharge or release." *Detweiler v. Pena*, 38 F.3d 591, 598 (D.C. Cir. 1994), and (2) the BCMR has the authority to decide whether an injustice exists in an applicant's record on a case-by-case basis. The JAG stated that, consistent with 33 C.F.R. § 52.24(a), "it is the responsibility of the applicant to procure and submit . . . such evidence, including official records, the applicant desires to present in his or her case."

⁴ *Reale v. United States*, 208 Ct. Cl. 1010, 1011 (1976) (finding that for the purposes of the BCMRs, "injustice" is "treatment by the military authorities that shocks the sense of justice but is not technically illegal."; *but see* 41 Op. Att'y Gen 94 (1952), 1952 L 2907 (finding that "[t]he words 'error' and 'injustice' as used in this section do not have a limited or technical meaning and, to be made the basis for remedial action, the 'error' or 'injustice' need not have been caused by the service involved."))

The JAG recommended that the Board deny relief in this case because the applicant failed to meet her burden of proving the existence of an error or injustice.

(1) The BCMR is limited to correcting errors or removing injustices in a service member's record pursuant to 10 U.S.C. § 1552(a). The applicant here has not made a proper showing or claim of error or injustice. Additionally, the applicant has offered no new evidence to support a claim that they should be entitled to an SSB for PY 2018 and PY 2019.

(2) Absent strong evidence to the contrary, government officials are presumed to have carried out their duties correctly, lawfully, and in good faith. *Arens V. United States*, 969 F.2d 1034, 1037 (1992). Moreover, the applicant bears the burden of proving error. 33 C.F.R. § 52.24. Here, Applicant requests two additional SSB's, not because the Coast Guard erred or was unjust, but because they didn't know they should have asked for this relief in their first BCMR. This justification is insufficient to prove an error or injustice, as is required for relief. Failure to recognize or request a remedy during the original BCMR application does not now create error or injustice on the Coast Guard's part. Further, the Coast Guard complied with the original BCMR order. While it is unfortunate that the applicant was not selected during the PY 2017 SSB, the Coast Guard followed the BCMR's order which stated 'If she is not selected for promotion by the SSB, no further corrections should be made,'⁵ and reiterated this, stating, 'If she is not selected for promotion by that SSB, no further relief is granted.'⁶ As the Coast Guard followed the BCMR's order, the applicant cannot claim that the Coast Guard's actions were erroneous, nor an injustice, which is defined as 'treatment by military authorities that shocks the sense of justice, but is not technically illegal.' *Reale v. United States*, 208 Ct. Cl. 1010, 1011 (1976). As such, the applicant has provided no evidence to demonstrate that the Coast Guard erred or was unjust as would entitle her to the relief she requests.

In the applicant's prior application to the BCMR, Docket No. 2018-050, the JAG submitted an advisory opinion in which he recommended that the Board grant relief. The JAG stated that upon the applicant's third pregnancy she was entitled to a twelve-month exemption from weight standards. The applicant gave birth to her third child on June 11, 2014, and her exemption therefore ended in June 2015. While the applicant was able to come into compliance for the October weigh in, she was placed on weight probation after her April weigh-in due to complications from "severe transvaginal bleeding." The JAG stated that the PY 2017 LCDR selection board convened on August 10, 2016, and considered the applicant for promotion with the disputed Page 7 in her file. The JAG further stated that upon "thorough review of the applicant's medical records, it appears the applicant should have been granted a weight abeyance for her medical condition, and the Coast Guard accordingly recommends granting relief." The JAG stated that the medical records provided by the applicant show that she was diagnosed with menorrhagia and prescribed hormone therapy on April 17, 2015, and that this problem persisted during her non-compliant weigh-in on April 27, 2016. The JAG consulted with CG-PSC-psd, which is "the approving official for all medial abeyance requests," and it was confirmed that had the applicant's command requested a weight abeyance, it would have been granted for her due to her condition and her prescribed medications. The JAG argued that her "command erred by not forwarding a request for an abeyance to CG-PSC-pd once the applicant had been diagnosed with a medical condition that affected her ability to maintain compliance with weight standards." Had the applicant been covered by an abeyance, she would not have been placed on probation and the Page 7 would not have been entered into her record. The JAG in Docket No. 2018-050 therefore recommended removing the Page 7 from her record in its entirety.

⁵ See applicant's provided documentation, Final Decision in BCMR Docket No. 2018-050, paragraph 7.b. within the Findings and Conclusions section.

⁶ *Id.* at paragraph b. in the Order for 2018-050.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 4, 2023, the applicant responded to the views of the Coast Guard. She disagreed with the Coast Guard's advisory opinion and clarified that the newly recognized injustice associated with her current application before this Board is that her record before the PY 2018 and PY 2019 LCDR selection boards also included the derogatory Page 7 that the BCMR later removed. She stated:

Title 14 U.S.C. §263(b)(1) provides the Secretary may convene an SSB if the Secretary determines that (A) an action of the selection board that considered the officer or former officer... (ii) Involved material error of fact or material administrative error..."⁷ In the Final Decision in BCMR Docket No. 2018-050 "The Board finds that the applicant is entitled to an SSB under this statute because her record erroneously and unjustly showed that she had been non-compliant with weight standards..." If it was determined by the Board to have been an injustice to compete for the PY 2017 LCDR selection board with the derogatory document in my record, I should be entitled to an SSB for each subsequent year the derogatory document was in my record where I was not allowed to compete impartially.

I am requesting the opportunity to fairly compete for selection to LCDR for the PY 2018 board and if not selected, the PY 2019 LCDR selection board due to the error that my command made in not placing me on weight probation, and the injustice of competing in multiple selection boards with an erroneous record due to this error.

FURTHER PROCEEDINGS

On December 19, 2023, the Deputy Chair of the BCMR contacted Coast Guard PSC and requested the following information:

1. The date the applicant's record was recorrected in response to the Board's 8/23/18 order (i.e. the date the Page 7 was removed from Coast Guard records).
2. The date of the LCDR Special Selection Board provided in response to the Board's 8/23/18 order.
3. The date of the regular selection board that convened in 2018, when the applicant was promoted to LCDR.

On January 8, 2024, PSC provided the following responses:

In response to question #1 regarding the date the CG-3307 was removed:

1. BCMR decision incorrectly identified the 3307 to be removed (authorized removing a CG-3307 dated 5-13-2016)^[8]
2. CG-3307 dtd 5-13-2016 never existed in CGMHRR
3. Intended CG-3307 for removal identified on/about 4-11-2023
4. Intended CG-3307 removed on/about 4-11-2023

In response to question #2:

1. An SSB was convened on 06DEC18, as directed by the BCMR 2018-050 dated 29AUG18. The officer was not recommended for promotion to the grade of LCDR by this SSB.

⁷ Title 14 U.S.C. § 263(b)(1).

⁸ The staff has reviewed the record and confirmed that both the text of the disputed Page 7 and the applicant's acknowledgement of the Page 7 are dated May 13, 2016, and no other date appears on the document. Therefore, it is unclear how the BCMR decision "incorrectly identified" the Page 7.

In response to question #3:

1. The officer was selected for promotion to O-4 by the PY20 LCDR Selection board which convened on 05AUG19. There is no record of the officer being selected for promotion by the PY19 LCDR Selection Board which convened on 06AUG18.

APPLICABLE LAW AND POLICY.

The Coast Guard SSB statute at 14 U.S.C. § 263 (now renumbered as 14 U.S.C. § 2120) was enacted in Public Law 1120213, Title II, § 208(a), on December 20, 2012, and states the following:

(b) Officers considered but not selected; material error –

(1) In general. In the case of an officer or former officer who was eligible for promotion, was considered for selection for promotion by a selection board convened under section 251, and was not selected for promotion by that board, the Secretary may convene a special selection board to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that –

(A) an action of the selection board that considered the officer or former officer –

(i) was contrary to law in a matter material to the decision of the board; or

(ii) involved material error of fact or material administrative error, or

(B) the selection board that considered the officer or former officer did not have before it for consideration material information.

(2) Effect of failure to recommend for promotion. –If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer, whose grade is that of commander or below and whose name was referred to that board for consideration, the officer or former officer shall be considered –

(A) to have failed of selection for promotion with respect to the board that considered the officer or former officer prior to the consideration of the special selection board; and

(B) to incur no additional failure of selection for promotion as a result of the action of the special selection board.

(c) Requirements for special selection boards.—Each special selection board convened under this section shall –

(1) be composed in accordance with section 252 and the members of the board shall be required to swear the oaths described in section 254;

(2) consider the record of an applicable officer or former officer as that record, if corrected, would have appeared to the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board and that record shall be compared with a sampling of the records of –

(A) those officers of the same grade who were recommended for promotion by such prior selection board; and

(B) those officers of the same grade who were not recommended for promotion by such prior selection board;

(3) submit to the Secretary a written report in a manner consistent with sections 260 and 261.

(d) Appointment of officers recommended for promotion. –

(1) In general. –An officer or former officer whose name is placed on a promotion list as a result of the recommendation of a special selection board convened under this section shall be appointed, as soon as practicable, to the next higher grade in accordance with the law and policies that would have been applicable to the officer or former officer had the officer or former officer been recommended for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

(2) Effect. –An officer or former officer who is promoted to the next higher grade as a result of the recommendation of a special selection board convened under this section shall have, upon such promotion, the same date or rank, the same effective date for the pay and allowances of that grade, and the same position on the active duty promotion list as the officer or former officer would have had if the officer or former officer had been recommended for promotion to that grade by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

(3) Record correction. If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not eligible for promotion or a former officer whose name was referred to the board for consideration, the Secretary may act under section 1552 of title 10 to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from the officer or former officer not being selected for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

Article 6 of the Officer Accessions, Evaluations, and Promotions Manual, COMDTINST M1000.3 (June 2017), provides the following guidance an SSBs:

6.B.13.j. Requirements for SSBs

(1) The SSB shall consider the record of an officer or former officer as that record, if corrected, would have appeared to the initial selection board.

(2) The corrected record shall be presented within a weighted sample of records, reflecting the Opportunity of Selection of the prior board to include an appropriate number of records from officers of the same grade who were recommended for promotion by the prior selection board along with an appropriate number of records from those officers of the same grade who were not recommended for promotion by the prior selection board.

(3) The SSB shall not be told which officer is the affected officer or which officers are being used for weighted sampling.

(4) Except for the affected officer(s), the SSB's findings will not affect the previous selection board's decision to recommend to promote or not to promote any other officer in the weighted sample of records.

...

6.B.13.n. Officers Recommended for Promotion by an SSB

(1) An officer placed on a promotion list by a SSB convened under this Article shall be appointed, as soon as practicable, to the next higher grade in accordance with the law and policies that were applicable to the officer at the time the prior selection board convened.

(2) The officer shall have, upon such promotion, the same date of rank, the same effective date for pay and allowances of that grade, and the same position on the active duty promotion list had they been selected by the prior selection board. (14 U.S.C. § 263(d)(1) and (2))

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 Board finds that the applicant has exhausted her 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. Although the Coast Guard argued that the applicant has not submitted new evidence to warrant reconsideration, as required by 10 U.S.C. § 1552(a)(3)(D), the applicant has not requested reconsideration of the issues in her first case, 2018-050. Instead, the Board granted her requests for relief in 2018-050, and the applicant has requested new relief that was not presented as an issue in the original case. Therefore, this is not a case of reconsideration.

3. Coast Guard PSC argued that the application was not timely because it was submitted more than three years after the applicant was not selected for promotion in 2017 and 2018. However, the application is considered timely because the applicant has continued to serve on active duty in the interim.⁹

4. The Coast Guard argued that no additional relief should be granted because in 2018-050, after granting relief, the Board noted that "if she is not selected by that SSB, no further corrections should be made" and included similar language in the Order. One Board cannot bind a future Board, however, and the non-selections contested in this case were not considered or addressed in 2018-050. Therefore, the Board's statement in 2018-050 that no additional relief should be granted if the SSB failed to promote the applicant does not preclude granting relief on issues newly presented to the Board—the applicant's non-selections in 2017 and 2018.

5. Moreover, the Coast Guard has admitted that the relief ordered in 2018-050—removal of a negative Page 7 from her record and consideration by an SSB after that correction was made—was not properly implemented. Instead, the Coast Guard failed to remove the disputed Page 7 and convened the SSB without having first corrected her record. The Coast Guard admitted that the disputed document was not removed from her record until April 2023. Therefore, the Board finds that even if the Board had previously considered the issues presented here, reconsideration and new relief would be warranted.

⁹ *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).

6. In her prior application, BCMR docket number 2018-050, the applicant alleged that the May 13, 2016, Page 7 in her military record was erroneous and unjust, as was her non-selection for promotion to LCDR in 2016 by the PY2017 LCDR selection board. In that case, the Board found that the negative Page 7 should be removed from her record and that, after her record was corrected, the Coast Guard should convene an SSB to reconsider the applicant's non-selection by the PY 2017 LCDR selection board in August 2016. The Coast Guard has now admitted that it convened the SSB without having corrected her record, and she was non-selected for promotion by the SSB. In her new application, the applicant claims that her non-selections in 2017 and 2018 by the PY 2018 and PY 2019 LCDR selection boards, respectively, were also erroneous and unjust because the BCMR did not issue its decision in 2018-050 until after those boards convened. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in the military record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.¹⁰ 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."¹¹

7. The Coast Guard has claimed that the Board "misidentified" the CG-3307 (Page 7) in 2018-050; that the Page 7 dated May 13, 2016, was never actually in her record; and that the disputed Page 7 was not removed from her record until April 11, 2023. The Board has reviewed the EPDR provided by PSC in 2018-050 and confirmed that the only Page 7 concerning the applicant's weight probation in that EPDR is in fact dated May 13, 2016. Therefore, PSC's claims about the misidentification of the Page 7 and its belated removal in 2023 are unclear. Accordingly, to ensure that the proper relief has been effected, the Board will order the Coast Guard to remove from the applicant's military records any Page 7 or other document mentioning her weight probation in 2016.

8. Because the Coast Guard has admitted that the SSB convened in response to the Board's decision in 2018-050 reviewed an uncorrected version of the applicant's record, the Board finds that in accordance with 14 U.S.C. § 2120, the applicant is entitled to another SSB for her non-selection by the PY 2017 LCDR selection board. Paragraph (b)(1) of 14 U.S.C. § 2120 states the following in pertinent part:

In the case of an officer or former officer who was eligible for promotion, was considered for selection for promotion by a selection board convened under section 251, and was not selected for promotion by that board, the Secretary may convene a special selection board to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that –

- (A) an action of the selection board that considered the officer or former officer –
- (i) was contrary to law in a matter material to the decision of the board; or
 - (ii) involved material error of fact or material administrative error; or ...

[Emphasis added.]

¹⁰ 33 C.F.R. § 52.24(b).

¹¹ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

Any documentation showing that the applicant was placed on weight probation in 2016 is a prejudicial “material error of fact” that could have caused the applicant’s non-selections for promotion not only in 2016, but in 2017 and 2018 as well, because the Coast Guard has admitted that her record was not corrected until April 2023.¹² Therefore, for the same reason that the applicant is entitled to an SSB to reconsider her non-selection in 2016 by the PY 2017 LCDR selection board, the Board finds that if not selected by the SSB for PY 2017, the applicant is entitled to a second SSB to reconsider her non-selection for promotion by the PY 2018 LCDR selection board; and if not selected for promotion by that second SSB, she is entitled to a third SSB to reconsider her non-selection for promotion by the PY 2019 LCDR selection board. In addition, if selected for promotion by one of these SSBs, her LCDR date of rank should be backdated to what it would have been had she been selected for promotion by the regular LCDR selection board for that year, and she should receive backpay and allowances due as a result of the correction.

(ORDER AND SIGNATURES ON NEXT PAGE)

¹² Although her record was not corrected until April 2023, the applicant was promoted to LCDR in July 2020 and was not in zone for promotion to CDR prior to April 2023.

ORDER

The application of LCDR [REDACTED] [REDACTED] USCG, for the correction of her military record is granted as follows:

- Any CG-3307 or other documentation showing that she was placed on weight probation in 2016 shall be removed from her record.
- Once her record contains no references to weight probation in 2016, the Coast Guard shall convene a new Special Selection Board (SSB) pursuant to 14 U.S.C. § 2120 to reconsider her non-selection for promotion in 2016 by the PY 2017 LCDR selection board since the Coast Guard has admitted that her record was not corrected as directed by the BCMR in docket number 2018-050 until April 2023.
- If not selected for promotion by the first SSB, the Coast Guard shall convene a second SSB to reconsider her non-selection for promotion in 2017 by the PY 2018 LCDR selection board.
- If not selected for promotion by the second SSB, the Coast Guard shall convene a third SSB to reconsider her non-selection for promotion in 2018 by the PY 2019 LCDR selection board.
- If selected for promotion by any of these SSBs, the Coast Guard shall backdate her LCDR date of rank in accordance with 14 U.S.C. § 2120(d)(2) and shall pay her all backpay and allowances due as a result of this correction.

May 3, 2024

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