


DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 31-97

FINAL DECISION


This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on December 4, 1996, upon the Board's receipt of the applicant's request for correction of his military record.

This final decision, dated June 27, 1997, is signed by the three duly appointed members who were designated to serve as the Board in this case.

Applicant's Request for Correction

The applicant was a lieutenant commander [LCDR] in the Coast Guard Reserve at the time of application. On October 7, 1996, he was considered for promotion to commander [CDR] by the 1996 Reserve Commander Selection Board [RCSB]. He was not selected by the RCSB.

The applicant asked the BCMR to remove this failure of selection because the nonselection was caused in part by the fact that his Officer Evaluation Report (OER) for the period from July 24, 1995, to August 5, 1996, was not included in the military record that was considered by the selection board.

The applicant said that the inclusion of this OER, which rated him as a "Distinguished Performer," would have placed him in a more competitive position with the other officers being considered. This OER was submitted on time and signed by the Reviewer on August 23, 1996, three weeks before the selection board was scheduled to convene. Instead of "needed" administrative changes¹ being made by the OER Administrator, the OER was returned to the applicant's commanding officer after the selection board had convened.

¹ None of the five changes, which were termed "discrepancies" appear substantively significant.

Views of the Coast Guard

The Chief Counsel of the Coast Guard and the Commander of the Coast Guard Personnel Command (CGPC) both recommended that relief be granted to the applicant.

The applicant was considered for promotion by the PY97 Promotion Board (also known as the 1996 RCSB), but he was not among those selected. The applicant's most recent OER was not reviewed by the Promotion Board, even though it was substantively complete before the selection board convened. On July 11, 1996, the applicant submitted the subject OER to his supervisor, and on August 23, 1996, applicant's reviewer signed the PER and forwarded it for quality control review.

CGPC concluded that administrative errors were made during the handling of the OER at issue, none of which were created by the applicant or within his control. "[T]he PDRs of many other candidates included their most current OERs, therefore, placing the applicant at an obvious disadvantage."

The Chief Counsel recommended that relief be granted to the applicant.

Applicant's Response to Coast Guard Views

On June 2, 1997, the BCMR sent a copy of the views of the Coast Guard to the applicant. On June 17, 1997, the BCMR received the applicant's response. He said he has no objection to the Coast Guard's recommendation.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions of the applicant and the Coast Guard, the military record of the applicant, and applicable law:

1. The Board has jurisdiction of the case pursuant to section 1552 of title 10, United States Code.
2. The applicant was considered for selection for promotion to CDR on the basis of a record that did not include his OER for the most recent period, from 7/24/95 to 8/5/96.

For example, one was that the status indicator should read "523000" in section 1(c), and another was that one should use the same color ink when marking OERs (black preferable).

3. The applicant's most recent OER was signed by the Reviewer on August 23, 1996, three weeks before the selection board was convened. The technical changes still needed after the signing (e.g. the use of same color ink), should have been made by the OER Administrator so that the selection board's access to a timely OER would not be delayed.

4. The Coast Guard committed error or injustice in failing to make a pertinent OER available to all the members of the selection board.

5. The applicant's military record should be corrected to delete his 1996 failure of selection for promotion to CDR and to direct that he be considered before the PY 98 CDR promotions board.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The military record of [redacted] USCGR, shall be corrected by removing any reference to the applicant's failure of selection to CDR in his electronic and paper PDRs [personal data records].

The applicant's record shall further be corrected by directing that he be considered by the PY 98 CDR Promotion Board and that, if selected, his date of rank shall be the date he would have had if he had been selected by the PY 97 Board along with applicable back pay and allowances.

