


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

---

Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2022-070**

  
ME2 (Former)

---

**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 November 30, 2021, 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 July 17, 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 former Second Class Maritime Enforcement Specialist (ME2/E-5), asked the Board to correct his record by expunging an investigation for assault from all criminal databases such as the Federal Bureau of Investigation's (FBI) database and other criminal background check databases.

The applicant alleged that when a new background check gets pulled on him it indicates that the Coast Guard charged him with assault, however, he was never charged with a crime. The applicant stated that after the Coast Guard Investigative Service (CGIS) investigated he was not charged with any crimes, but was ultimately recommended for separation. The applicant further stated that although he received an Honorable characterization of service, because the criminal databases show that he was arrested for assault, he cannot obtain a good job. This, according to the applicant, has left him in debt working small jobs while trying to improve his family's standing.

Finally, the applicant stated that this is his last attempt at resolving the issue at the lowest level possible. The applicant alleged that he has been trying to correct this injustice for over a year and that the Coast Guard's error has amounted to employers attributing his guilt based solely on his race, in addition to the racial disparity.

## SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on May 5, 2004, where he trained as a Maritime Enforcement Specialist.

On May 23, 2017, a member of the Coast Guard's Work-Life office notified CGIS that during a Family Advocacy Program (FAP) interview involving the applicant and his intimate partner (IP), the IP told Work-Life that while she was driving in her car with the applicant, the applicant pulled a firearm on her. A CGIS investigation was initiated and revealed the following information:

- On June 9, 2017, the applicant's IP was interviewed by CGIS and revealed the following:

She knew of an incident that occurred with her former boyfriend (S) ME2 [Applicant] in which he had pointed a gun at her while they were in her vehicle and driving. (V) [IP] stated "yes but she wasn't sure of the date." I asked her if she remembered the month and she responded that she knew it was October of 2016 and on a drive home from a night out in [redacted]. I asked her to tell me what happened from the time they left their residence in [redacted]. She and (S) ME2 [Applicant] left their residence in [redacted] and she drove the vehicle to her mother's residence in [redacted] in order to drop her son off before going on to [redacted] for the evening. (V) [IP] and (S) ME2 [Applicant] then departed her mother's house and drove into [redacted] to an [redacted] police facility where (S) ME2 [Applicant] told her to pull into the parking lot and he (ME2 [Applicant]) showed his badge to the officer and the officer instructed him that he could park in the lot.

She stated that ME2 [Applicant] had placed his gun in the glove compartment upon leaving [redacted] as always which she stated was common practice because he didn't go anywhere without a gun. She saw that the gun was in a small bag/pouch with a "clip" with bullets in it and had left it in the vehicle while they went for dinner/drinks at a Mexican restaurant (unknown name) in [redacted] in the area of [redacted]. They remained at the restaurant for approximately 3 hrs and had appetizers and drinks. At approximately midnight she and [Applicant] returned to the vehicle and drove (she was again the driver) through the [redacted] tunnel en route to their residence in [redacted] agreeing to leave her son in her mother's care in [redacted].

(V) [IP] informs that at this point she and ME2 [Applicant] began arguing and she decided that she was returning to her mother's house and made a U-turn in front of the [redacted] Turnpike entrance toll and began to drive towards the [redacted] via the [redacted] bridge. At this point (V) [IP] states that (S) ME2 took the gun out of the glove compartment and removed it from the bag placing it up to the right side of her head and pulled the trigger (dry firing it). He then opened his window while driving through the [redacted] bridge toll and began shouting "HELP."

(V) [IP] continued to drive to her mother's residence and went inside and retrieved her son and then returned to the vehicle and continued back to their residence in [redacted] without further incident. When (V) [IP] was asked what firearms (S) ME2 [Applicant] possessed she described a "rifle" that had a scope and "clip" in it and that he had brought a handgun and the rifle with him from [redacted] before being in the [redacted] PD.

(V) [IP] states that the relationship between her and (S) ME2 [Applicant] has been one argument after another.

- On June 20, 2017, the applicant's IP was interviewed by CGIS for a second time and revealed the following:

Prior to the start of the interview, (V) [IP] shows video of altercation with (S) ME2 [Applicant] entering bathroom and slapping himself in the bathroom. (V) [IP] also shows investigators photos of alleged cuts and bruises caused by (S) ME2 [Applicant]. (V) [IP] shows texts of (S) ME2 [Applicant] texting her to delete

videos and texts if she wanted the relationship to continue. (V) shows printed photos of injuries to S/A [redacted] as well.

(13:30) (V) [IP] states on 5/17/2017 she and (S) ME2 [Applicant] were arguing about bills and then (S) ME2 [Applicant] attempts to strangle her on the bed. He then exits the residence and calls (PK) Chief [redacted], CGPD and (2) hours later (PK) Chief [redacted] shows up at residence with (2) [redacted] Police Officers. Officers arrested (V) [IP] and she was not given an opportunity to speak about the assault.

(13:35) (V) [IP] states that (S) ME2 [Applicant] held her child seat (with baby seated in it) in one hand and choked her with the other hand and states do you want to see evil threatening the child with a closed fist.

(13:38) (V) [IP] states (S) ME2 [Applicant] grabbed the car seat with her child in one hand and choked her with his other hand threatening to harm her child. (V) [IP] states she picked up a hammer to defend herself and then (S) ME2 [Applicant] struggled with her to get possession of the hammer and in doing so they broke the television. (V) [IP] then states (S) ME2 [Applicant] picks up the hammer and placed it in a plastic bag for unknown reasons.

(13:43) (V) [IP] states (S) ME2 [Applicant] came home from work and while she was in the kitchen making dinner she heard (S) ME2 [Applicant] yelling at her son and then heard (3) slaps and her the baby crying. (V) [IP] states that when she walked over to the living room and looked at her son she saw that his leg was red and asked (S) ME2 [Applicant] what happened. (V) [IP] States (S) ME2 [Applicant] stated that the baby wouldn't be quiet.

(13:47) (V) [IP] states on unknown date that she was in the kitchen and smelled smoke coming from her sons room and saw that (S) ME2 [Applicant] was outside the room. (V) [IP] what happened and (V) [IP] saw that the cloth over the baby's lamp had caught fire and asked (S) ME2 [Applicant] why he didn't do anything and (S) ME2 [Applicant] stated "did you learn your lesson?"

(13:50) (V) [IP] states that on or around December 15th they were arguing about bills (Attachment - written notes of incident). (V) [IP] threatens to show audio/videos of altercations to authorities when (S) ME2 [Applicant] attempts to take her cell phone away and in doing so causes a cut/bruise under (indicating right eye) her eye. (S) ME2 [Applicant] then grabbed her by the neck and knocked her son to the ground causing pain to the child's head (no bleeding).

(13:59) (V) [IP] states that (S) ME2 [Applicant] tells her that he had a lot of problems with his ex-wife and he uses his hands and words to solve his problems. (V) [IP] states she encouraged him to go to anger management but (S) ME2 [Applicant] stated he couldn't because it would put his job in jeopardy.

(14:01) (V) [IP] states that she texted his ex-wife ([Applicant's Ex-wife]) one time and believed she might live in Florida.

(14:03) (V) [IP] states that on or about October 2016 during an argument in their vehicle while she was driving, (S) ME2 [Applicant] took out his gun from the glove compartment and placed it to the side of her head and pulled the trigger but started laughing saying "there isn't a bullet in it." Then as she drove through the toll booth on the [redacted] Bridge (S) ME2 [Applicant] rolled down the car window and began to call for help. (V) [IP] States that (S) ME2 [Applicant] likes to be the victim when there is an argument.

(14: 13) (V) [IP] becomes emotional and begins crying stating her mother asked her about marks on her face. (S) ME2 [Applicant] told her if her mother asked about the cut under her eye she should say it was an accident with a pool stick from a recent night out at "Joe's Burgers" (a local burger place with pool tables).

(14:19) (V) [IP] tells of an incident (unknown date) of (S) ME2 [Applicant] walking out of their residence not wearing a shirt in the winter (states the temperature was about 20 degrees) and remained outside for approximately 30-60 minutes and then when he finally came inside he collapsed on the floor. (V) [IP] states she ran a bath undressed him and helped him into the bath where he cried.

Agent's Note: (V) [IP] stops speaking getting very emotional and begins crying.

(14:30) (V) [IP] states (S) ME2 [Applicant] would keep her from going to work if there were males present and that (S) ME2 [Applicant] would strike her in the stomach and accuse her that the child was someone else's. (S) ME2 [Applicant] would grab and shake (V) [IP].

Agent's Note: (V) [SO] breaks down emotionally and leaves room momentarily, then tells of being pregnant by (S) ME2 [Applicant].

(14:34) (V) [SO] states (S) ME2 [Applicant] told judge about her "deepest secret."

Agent's Note: (V) [SO] again becomes very emotional and started crying.

(14: 38) (V) [SO] states (S) ME2 [Applicant] told the judge about her being sexually abused. (V) [SO] states (S) ME2 [Applicant] sees ghosts. He researched the information on the former occupant of their apartment (who is deceased) and on many instances refers to seeing him (John).

(14:44) (V) [SO] states (S) ME2 [Applicant] shows photos of his son with sores on his legs and (S) ME2 [Applicant] states the ex-wife neglects his child.

On June 30, 2017, the applicant was interviewed by CGIS investigators. The relevant portions of the interview are recorded below:

...

0914 In October of 2016, (S) ME2 [Applicant] left the house while they were arguing to go for a walk. He was locked out of the house since (V)[IP] has the car keys with the house key on the chain. (S) ME2 [Applicant] phoned CGPD and Health Safety and Work Life (HSWL) called him back since he had intentions of staying on the base that night. (PK) [JH] phoned the [redacted] Police Department and they arrived at the residence. They asked (V) [IP] if she wanted to file a DV complaint and she declined.

0918 (S) ME2 [Applicant] has two personal weapons (Kel-Tec Pistol Rifle and a 9mm handgun).

0919 (S) ME2 [Applicant] stated he returned to the house after being locked out and (V) [IP] proceeded to grab (S) ME2 [Applicant]'s genitalia and threatened to cut his penis off.

0921 (S) ME2 [Applicant] pushed her off by grabbing her neck while she was on top of him. (S) ME2 [Applicant] stated he was scared but was attempting to get her off of him.

0923 (PK) [JH] and HSWL instructed (S) ME2 [Applicant] to stay away from (V) [IP] for 72 hours. (V) [IP] proceeded to text him throughout and forwarded photos of her lip bleeding.

0924 (S) ME2 [Applicant] stated the injury was sustained from a brawl at a nightclub in [redacted] where she is employed as a bouncer.

0926 On 5/17/17, (S) ME2 [Applicant] obtained an Order of Protection against (V) [IP]. The incident involved an argument about unpaid bills.

0929 (S) ME2 [Applicant] went to the garage and texted CGPD. (S) ME2 [Applicant] returned to the house and proceeded to watch television. (V) [IP] accused (S) ME2 [Applicant] of tampering with her vehicle when she was attempting to leave.

0934 (S) ME2 [Applicant] stated (V) [IP]'s car was leaking oil due to a previously existing problem with the vehicle. (V) [IP] proceeded to grab a hammer while they were arguing and threatened to hit him with the hammer.

0937 (S) ME2 [Applicant] was holding the baby in an attempt to protect him and continued to watch television. (V) [IP] then “dinks” the television while he was playing a video game. She then broke the video game console with the hammer. (V) [IP] then strikes the television again with the hammer destroying it.

0939 (S) ME2 [Applicant]’s neighbors phoned the police while (V) [IP] was phoning them at the same time. [redacted] Police responded to the residence and they were repeatedly instructing her to calm down. She was placed in handcuffs and charged (not sure if she was charged with resisting arrest). [redacted] Police told (S) ME2 [Applicant] to file for a restraining order against (V) [IP] which he was subsequently granted.

0944 (S) ME2 [Applicant] was also served with a petition for a restraining order in Richmond County by (V) [SO]. (S) ME2 [Applicant] stated his attorney is attempting to expunge this request due to lack of cause.

0947 (S) ME2 [Applicant] carries his personal weapon (9MM handgun) when traveling to and from work.

0948 During the winter of 2017 (after New Year 2017), (V) [IP] picked (S) ME2 [Applicant] up at work in his vehicle and drove to (V) [IP]’s mother’s house in [redacted]. They began to argue while driving to their home in [redacted]. (S) ME2 [Applicant] told (V) [IP] to let him out of the car. (V) [IP] was speeding and ran through a stop sign refusing to stop the vehicle.

0954 (S) ME2 [Applicant] removed his unloaded weapon from a bag and pointed the weapon across her legs while sitting in the passenger seat of the vehicle.

0955 While driving by the tolls on the [redacted], (S) ME2 [Applicant] yelled “help” numerous times. (S) ME2 [Applicant] proceeded to drive (V) [IP] to work and told her she needed to go to counseling and seek help.

0958 (S) ME2 [Applicant] drove back home with (V) [IP]’s child. Prior to going home, (S) ME2 [Applicant] stopped into the [redacted] Police Departments and stated he wanted to file a complaint. He then returns to the vehicle without filing the complaint and felt “hopeless.”

1001 (S) ME2 [Applicant] stated “I didn’t exercise good judgment.”

...

1102 (S) ME2 [Applicant] stated that he is fearful that (V) [IP] will have someone hurt him. He changed his email address and included his ex-wife and mother in his protective order since (V) [IP] threatened them.

...

As 1117 (S) ME2 [Applicant] was defending himself while (V) [IP] was grabbing his genitalia and his shirt.

1118 (S) ME2 [Applicant] was sleeping and struck (V) [IP] when she accused him of hitting her while she was pregnant.

1120 (S) ME2 [Applicant] and (V) [IP] were “tussling around” and did not remember hitting her. (S) ME2 [Applicant] recalls telling her to cover the cut on her eye with makeup.

1122 (S) ME2 [Applicant] was playing video games in the basement. (V) [IP] broke his watch and threatened to break his television. (S) ME2 [Applicant] broke a bottle on the steps and cleaned it up. (V) [IP] came down the stairs and slid down a piece of glass. (S) ME2 [Applicant] then pushed her after she was motioning to break his cell phone. (V) [IP] fell on her leg and didn’t know *ac [sic]* how she hurt herself.

1130 (S) ME2 [Applicant] and his ex-wife divorced due to irreconcilable differences. They have a 4 year old son who was recently diagnosed with Asperger’s Syndrome.

1134 (S) ME2 [Applicant] has a recording on his cell phone with (V) [IP] admitting she lied about everything that transpired between them in order to win the case in court.

1135 (S) ME2 [Applicant] stated he doesn't feel safe in his house in [redacted] and that he believes (V) [SO]'s ex-boyfriend is driving by the house watching him.

...

1230 (S) ME2 [Applicant] was photographed.

1235 (S) ME2 [Applicant] was fingerprinted.

...

On August 15, 2017, the CGIS investigating agent reviewed the fingerprint card of the applicant for accuracy and completeness and then submitted the fingerprint card to the Federal Bureau of Investigation (FBI) for entry into the FBI Interstate Identification Index (III) database. That same day the investigating agent received confirmation from the Integrated Automated Fingerprint Identification System (IAFIS) which indicated that the information regarding the applicant's violation of Article 138—Assault with an unloaded firearm, of the Uniform Code of Military Justice (UCMJ), was added to the FBI record.

On June 25, 2018, the applicant appeared before an Administrative Separation Board (ASB). The Board found that the applicant had violated Article 128—Assault, of the UCMJ, which carries with it a maximum punishment of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for three years when it is committed with an unloaded firearm. The Board found the applicant's violation of this article egregious because it made the applicant's IP fear for her life. The ASB recommended the applicant receive an honorable discharge. The Board found there was compelling evidence showing the applicant served honorably and faithfully for the overwhelming majority of his fourteen years of Coast Guard Service. While the Board did not discount the seriousness of the misconduct, the Board found the IP's major contributions to the dysfunctional relationship to be extenuating and the applicant's standing as a dutiful father to his son to be mitigating. The Board recommended he be separated in accordance with Article 1.B.17.b.3. of the Military Separations Manual, COMDTINST M1000.4.<sup>1</sup>

The applicant was administratively separated from the Coast Guard on May 28, 2019, with an Honorable characterization of service, a narrative reason for separation of "Misconduct," and an RE4 reenlistment code.

### VIEWS OF THE COAST GUARD

On March 9, 2023, a judge advocate (JAG) for the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the PSC.

---

<sup>1</sup> Article 1.B.17.b.3. of COMDTINST M1000.4 provides the necessary guidance on members who are separated from the Coast Guard due to misconduct.

The JAG stated that the applicant has failed to exhaust all of his administrative remedies. The JAG argued that pursuant to section 52.12(b) of title 33 of the Code of Federal Regulations (CFR), the Board may not consider an application until and unless all effective administrative remedies afforded to the applicant under existing law or regulations have been exhausted. The JAG contended that the applicant's sole request is to have his "charges" expunged from the FBI and other criminal investigative databases, but the applicant has failed to provide evidence that his records are in a criminal background database, nor has he shown that any information contained in the database is showing that he was erroneously charged with a crime. However, the JAG argued even if the applicant had provided sufficient evidence, the applicant has remedies available to him that he has not yet exhausted. According to the JAG, Department of Defense Instruction (DoDI) 5505.14, section 4, expressly provides an avenue to request the relief the applicant seeks, namely, to have information expunged from criminal background databases. Accordingly, the JAG argued that the Board should dismiss the applicant's request for relief for failure to exhaust all of his administrative remedies in accordance with section 52.12(b) of 33 C.F.R.

The JAG further argued that the applicant failed to prove an error or injustice entitling him to relief. The JAG explained that the applicant provided no evidence that his information is in a criminal background database and the database is showing that he was erroneously charged with a crime. Furthermore, the JAG argued that the applicant has failed to prove that entering the applicant's alleged violation of a crime into the FBI database was erroneous and contrary to policy. The JAG stated that policy contained in DoDI 5505.14 expressly provides for entering a military member's information (and fingerprints) into a criminal background database when investigated for a crime under the UCMJ for which a member may be subject to imprisonment. The JAG explained that here, the applicant was subject to a criminal investigation for alleged assault with an unloaded firearm, which holds a maximum punishment of three years in prison. As a result of the investigation, the JAG claimed that the applicant was criminally investigated for commission of a serious offense and the threshold for entering the applicant's information into the FBI's criminal database was satisfied. Therefore, because it was not erroneous or unjust to entering the applicant's criminal information into the FBI database, the JAG argued that the applicant is not entitled to relief.

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

On May 17, 2023, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty days. As of the date of this decision, no response has been received.

#### **APPLICABLE LAW AND POLICY**

Department of Defense Instruction 5505.11 provides the following guidance on reporting fingerprints of service members suspected of violating the UCMJ:

##### 1.2. Policy.

...

b. DCIOs [Defense Criminal Investigative Organizations] and other DoD LEAs [Law enforcement Activity] will collect fingerprints and CHRI [Criminal History Record Information] upon determination of probable cause and will electronically submit to the CJIS [Criminal Justice Information Services] Division of the FBI for all:

(1) Service members who are **investigated** for all offenses punishable by imprisonment listed in the punitive articles of Chapter 47 of Title 10, U.S.C., also known and referred to in this issuance as the “Uniform Code of Military Justice (UCMJ),” or elsewhere in the U.S.C. (emphasis added).

The Department of Defense Instruction 5505.14 provides the following guidance on DNA swabs submitted to criminal databases in response to a criminal investigation:

1.2 Policy.

...

c. Defense Criminal Investigative Organization (DCIOs), other DoD Law Enforcement Agencies (LEAs), DOD correctional facilities, the Coast Guard Investigative Service (CGIS), and commanders will collect and submit DNA samples from:

(1) Service members and civilians when their fingerprints are collected pursuant to DoD 5505.11.

...

4.7 Former or retired service members from whom samples were taken but who were not convicted of any offense by a general or special court-martial, or can provide a certified copy of a final court order documenting the charge had been dismissed or resulted in an acquittal, may request in writing that their DNA records be expunged in accordance with the procedures in this section.

### 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 his Coast Guard military record. The Board finds that the applicant has exhausted his 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 was 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).

3. The applicant alleged that the Coast Guard erroneously entered charges for assault into criminal databases even though he was not charged with a crime. The applicant further alleged that because of this error, he has missed out on job opportunities because he cannot pass the background checks. 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.<sup>2</sup> 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.”<sup>3</sup>

4. According to the applicant, it was erroneous and unjust for the Coast Guard to enter an assault “charge” into the FBI and other criminal databases, without expunging those records after he was not charged with a crime. The Board’s review of the record shows that on more than one occasion the applicant was involved in physical altercations with his previous girlfriend and that during these altercations, his girlfriend’s one-year old son was present. The record further shows that on at least one occasion the applicant pointed an unloaded firearm at his girlfriend in violation of Article 128 of the UCMJ, which has a maximum penalty of three years of imprisonment. Section 1.2.b.1 of DoDI 5505.11 provides that military law enforcement entities will collect fingerprints and Criminal History Record Information upon determination of probable cause and will electronically submit these fingerprints to the CJIS division of the FBI for all service members who are investigated for all offenses punishable by imprisonment listed in the punitive articles of Chapter 47 of Title 10, U.S.C., also known and referred to in this issuance of the UCMJ, or elsewhere in the U.S.C. There is no requirement that the applicant be charged with the crime, only that the service member be investigated for a crime that is punishable by imprisonment. In addition, DoDI 5505.14 requires that law enforcement agencies collect and submit DNA samples from service members if their fingerprints had been previously submitted in accordance with DoDI 5505.11. Therefore, pursuant to DoDI 5505.11, the Coast Guard was required to submit the applicant’s fingerprints and DNA swabs to the FBI database because he was suspected of, and there was probable cause to believe that he had violated Article 128 of the UCMJ.

5. The applicant contends he has been denied job opportunities and has been flagged as unsuitable for employment because the FBI and criminal databases reflect the assault charge and a Lautenberg violation.<sup>4</sup> Law enforcement agencies have a vested interest in knowing the applicant’s criminal history, even if it only amounted to an investigation and no criminal charges were filed. The Coast Guard has many avenues available to it in which to dispose of misconduct committed by its members, including criminal or administrative procedures. Here, the record shows that the Coast Guard opted to pursue administrative remedies to dispose of the applicant’s case. The fact that the Coast Guard chose not to pursue criminal charges does not equate to a finding that probable cause did not or does not exist to support a finding that the applicant committed the alleged offense or that an error or injustice occurred. Therefore, the Board finds that the applicant has failed to prove, by a preponderance of the evidence, that the Coast Guard erroneously and unjustly entered his criminal investigation, including his fingerprints, into the FBI criminal database.

6. Accordingly, the Board finds that the applicant has not met his burden, as required by 33 C.F.R. § 52.24(b), to prove by a preponderance of the evidence that the FBI’s retainment of his criminal investigation constitutes an error injustice that warrants relief. Therefore, the

---

<sup>2</sup> 33 C.F.R. § 52.24(b).

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

<sup>4</sup> The Lautenberg Amendment makes it a felony for anyone convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition.

applicant's request for relief should be denied. However, the applicant may submit additional evidence in the future, such as evidence reflecting an absence of probable cause that he committed the offense or that he has been unjustly denied non law enforcement positions and the Board will reconsider his case.

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

ORDER

The application of former Maritime Enforcement Specialist, Second Class [REDACTED] [REDACTED] USCG, for the correction of his military record is denied.

July 17, 2024

[REDACTED] Digitally signed by [REDACTED]  
Date: 2024.07.18 09:50:44 -04'00'

---

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] Digitally signed by [REDACTED]  
Date: 2024.07.18 10:06:24 -04'00'

---

[REDACTED] [REDACTED]

[REDACTED] Digitally signed by [REDACTED]  
Date: 2024.07.18 11:33:49 -04'00'

---

[REDACTED] [REDACTED] [REDACTED]