

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-147


MK (former)

FINAL DECISION

This proceeding is conducted according to the provisions of 10 U.S.C. § 1552. The Chair docketed the case after receiving the completed application on August 7, 2024, and assigned it to an attorney to prepare the decision for the Board pursuant to 33 C.F.R. § 52.61(c).

This final decision dated May 8, 2025, 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 submitted an application requesting a copy of his qualification certification for achieving “Junior Engineer” and provided a signed letter from his former supervisor confirming this qualification was accomplished as well as providing a list of his service record which included the qualification. The applicant needs a memo stating he achieved this qualification or the original certification to apply for his mariner’s license.

SUMMARY OF THE RECORD

On September 20, 2012, the applicant achieved a passing score for the EPME Apprentice E-4 exam in support of his Junior Engineer qualification. The Coast Guard failed to place the applicant’s qualification letter into his digital record known as iPERMS.

On July 31, 2024, the applicant applied to the BCMR requesting a copy of his qualification letter and submitted as evidence a signed statement from a former Coast Guard supervisor confirming the applicant was qualified and the numerous duties completed by the applicant with his qualification.

VIEWS OF THE COAST GUARD

On February 27, 2025, a Judge Advocate (JA) for the Coast Guard submitted an advisory opinion in which he recommended that the Board administratively close this case and adopted the findings and analysis provided in a memorandum prepared by the Coast Guard Personnel Service Center (PSC).

The JA concurred with the PSC evaluation of the applicant's request lacking necessary information to support the inclusion of the qualification letter requested because the applicant did not provide the letter to be uploaded into iPERMS. PSC included the submission of the applicant's record which lists the completion of the requested qualification but does address it in their memorandum. PSC acknowledged the applicant provided a signed statement by a former supervisor confirming the applicant completed the qualification. However, the PSC asserts they cannot retroactively certify someone's qualification. The JA recommends denial of the applicant's request for relief.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On March 5, 2025, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty (30) days. The applicant has responded with the request that if a certificate cannot be located that an official memo be created asserting recognition of his qualification. The applicant provided the report of his credentials from his Coast Guard record to showcase his qualification is listed with a passing score, but he needs the letter for his mariner's license. This request is not for the Coast Guard to qualify him to date, it is to correct the error of the missing record that has been evidenced of existence through it being listed on the applicant's Coast Guard resume and an signed statement from a former supervisor confirming the applicant achieved the qualification and performed the duties in 2012. The applicant requests the Coast Guard to re-create the qualification letter from 2012 or provide a memo asserting the evidence indicates the applicant previously held a Junior Engineer watchstander qualification from 2012.

APPLICABLE LAW AND POLICY

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

- (1) Error can be defined as either legal and/or factual.
- (2) Injustice, when not also error, is treatment by the military authorities that "shocks the sense of justice."¹ In addition, the Board has the authority to decide whether an injustice exists in an applicant's record on a case-by-case basis. The application must file within three years after discovery or reasonably should have discovered the alleged error or injustice for a correction or relief.²

33 C.F.R. § 52.24 (a)

Burden of Proof: "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."

¹ *Sawyer v. United States*, 18 Cl. Ct. 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).

² 33 C.F.R. § 52.22

33 C.F.R. § 52.24 (b)

Presumption of Regularity: “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.”

FINDINGS AND CONCLUSIONS

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

1. The Board has jurisdiction concerning this matter pursuant to 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 applicant brings this request beyond the required three years of its occurrence making the application untimely for review. However, the Board may review a case in the pursuit of justice.

3. The applicant is requesting a copy of his prior qualification letter or a memo from the Coast Guard confirming the applicant, given the evidence, did complete the Junior Engineer qualification. The applicant clearly achieved his qualification and performed duties utilizing this qualification as supported by the signed statement of a former supervisor. The applicant also provided a passing test score for the qualification within his Coast Guard record. The Coast Guard did not dispute that the applicant appears to have completed this qualification. However, the supporting memorandum – presumably in the form of a CG-3307 – does not appear in the applicant’s record. He is requesting a memo or the certification letter be provided to him so he may pursue his mariner’s license.

4. The Coast Guard requests closure of this application because the applicant did not submit a copy of his qualification certificate to be uploaded to iPERMS. However, if the applicant had a copy of the certificate, it is unlikely he would be seeking support. The Coast Guard may have missed the point of the applicant’s request. The applicant is not requesting a qualification he did not officially receive but now claims he was entitled to. The record shows that he in fact did receive a qualification with code ENGR225 and competency “225 WLB Eng Rm Watchstander.” Additionally, he submits a statement from his supervisor that he did in fact stand underway watches as a Junior Engineer and qualified watchstander. As the Coast Guard describes in their advisory opinion, such a qualification would have been documented either by memorandum or CG-3307 signed by the applicant’s commanding officer before being reflected in one’s official record. Based on the record in this case, the Board finds by a preponderance of the evidence that such a document did in fact exist at the time the applicant was qualified. For reasons unknown to the Board, this document does not now appear in his service record.

5. The Board, in full view of all facts, assertions, and applicable laws, finds the applicant is entitled to relief. The Coast Guard will recreate the CG-3307 or qualification letter that documented the watchstander qualification reflected in his Coast Guard records, effective May 8, 2012 or provide a memo explaining the qualification is demonstrated to have been earned by the applicant given his Coast Guard record, though the qualification letter failed to be entered into his record.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former MK [REDACTED], USCG, for correction of his military record is granted. The Coast Guard will recreate the CG-3307 or qualification letter documenting his qualification as a ENGR225 Junior Engineer that is missing from his record, effective May 8, 2012.

May 8, 2025

