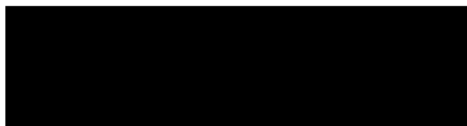


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2016-055



FINAL DECISION

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the application on February 19, 2016, upon receipt of the applicant's completed application and military records, and prepared the draft decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated December 15, 2016, 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 asked the Board to correct his record to show that he was enlisted in pay grade E-3, instead of E-1, on June 9, 2014. The applicant stated that his recruiter should have enlisted him in pay grade E-3 because he was an Eagle Scout, but his enlistment contract was erroneously completed to enlist him as an E-1. In support of this claim, the applicant submitted the following documents:

- An Eagle Scout certificate from the Boy Scouts of America shows that the applicant received the award on April 13, 2011. Two letters with the certificate congratulate the applicant for earning the award.
- The applicant's enlistment contract, dated June 9, 2014, states that he was enlisted in the Reserve under the delayed entry program in pay grade E-1. The contract incorporates by reference Annexes A and H, which concern matters unrelated to his pay grade. The contract also shows that he began four years of active duty on August 18, 2014.
- Annex G, a Statement of Understanding for Enlistment in Advanced Pay Grade," was signed by the applicant on January 6, 2016, more than 18 months after his enlistment, and by a yeoman on January 29, 2016. The applicant initialed a block indicating that he was offered enlistment in an advanced pay grade, E-3, based on being an Eagle Scout. Annex G is not in the applicant's personnel data record (PDR).

- A memorandum dated January 29, 2016, from a yeoman assigned to the applicant's Servicing Personnel Office (SPO) to the Commandant states that during a review of the applicant's PDR, they noted that the applicant's enlistment contract "does not accurately reflect his beginning pay grade on 9 June 2014," and that it should indicate that he was enlisted as an E-3 instead. He noted that "[t]he Advance Pay Grade Enlistment Programs for Enlistment as Pay Grade is reflected on Annex 'G' of the DD Form 4/1 for the Eagle Scout Award."

VIEWS OF THE COAST GUARD

On July 01, 2016, the Judge Advocate General of the Coast Guard submitted an advisory opinion recommending that the Board grant relief in accordance with the findings and analysis in a memorandum submitted for the case by Commander, Personnel Service Center (PSC).

PSC stated that the applicant enlisted as an E-1 in 2014. However, PSC stated, Article 2.E.6.b. of the Coast Guard Recruiting Manual, COMDTINST M1100.2, states that applicants who qualify for their initial enlistment in the Coast Guard may enlist in an advanced pay grade if they have provided proof of certain education or training, and Article 2.E.6.b.9. specifically states that Eagle Scouts are able to enlist as E-3s. PSC stated that Annex G is used to memorialize an applicant's entitlement to an advanced pay grade. Because the applicant has shown that he earned an Eagle Scout award in 2011, PSC recommended that the Board grant relief by correcting the applicant's record to show that he enlisted as an E-3.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On July 12, 2016, the Chair sent the applicant a copy of the views of the Coast Guard and invited her to respond within thirty days. No response was received.

APPLICABLE REGULATIONS

Article 2.E.6.b. of the Coast Guard Recruiting Manual states the following:

Applicants who qualify for initial enlistment in the Coast Guard or Coast Guard Reserve who are members of the following organizations may enlist in an advanced pay grade:

• • •

9. Boy Scouts Eagle Scout Award, Girl Scouts Gold Award, or Sea Scouts Quartermaster Award.

a. Applicants must meet Tier I qualifications.

b. To enlist in pay grade E-3 applicants must provide a copy of the certificate for the Eagle Scout Award, the Girl Scout Gold Award or the Quartermaster Award for Sea Scouts. Recruiters shall retain a copy of the award in the applicant's pre-enlistment file.

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. The application was timely filed.

2. The applicant alleged that his enlistment in pay grade E-1, instead of E-3, was erroneous and unjust because he was an Eagle Scout. 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.¹ 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."²

3. The Board finds that the applicant has proven by a preponderance of the evidence that he earned the Eagle Scout award in 2011. Therefore, as the Coast Guard found, pursuant to Article 2.E.6.b.9. of the Coast Guard Recruiting Manual, he should have been enlisted in pay grade E-3, instead of E-1. Accordingly, the Board will direct the Coast Guard to correct the applicant's records to show that he enlisted as an E-3 and to pay him any amount due in back pay and allowances.

(ORDER AND SIGNATURES ON NEXT PAGE)

¹ 33 C.F.R. § 52.24(b).

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

ORDER

The application of [REDACTED], USCG, for correction of his military record is granted. The Coast Guard shall correct his record to show that he originally enlisted in pay grade E-3, instead of E-1, based on his having earned an Eagle Scout award. The Coast Guard shall pay him any amount due as a result of this correction.

December 15, 2016

