


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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-226


PAC (reserve)

FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552. The Chair docketed the case after receiving the completed application on September 10, 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 July 24, 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, a former active duty Coast Guard member who transitioned to a reserve Public Affairs Chief, is seeking a change to her military record. The applicant transitioned from active duty in 2008, to a reserve status, and the Coast Guard had erroneously set her date for evaluating drill years as her Release from Active Duty (RELAD) date, rather than her Date of Initial Entry (DIEMS). The applicant acted reasonably in basing her obligation to drills based off the erroneous RELAD date the Coast Guard set within her military record. The applicant maintained "good drill years" every year, i.e., at least 50 points, based off of the erroneous RELAD date assigned by the Coast Guard in the applicant's record. In 2023, in preparation for retirement, the applicant had a Statement of Creditable Service (SOCS) review conducted to receive an 18-year Active Duty waiver, which she received. However, it was discovered at that time, that the RELAD date was the wrong date to use for calculating her reserve anniversary date, as it should have been set as her DIEMS date. When the correct date was entered into the applicant's military record, the computer automatically made corresponding corrected adjustments to each of her reserve years and the counting of the required days of drill for each drill year. Because of the shift in the date in the computer, five (5) days that were previously credited towards the 2009-2010 drill year, shifted to 2010-2011 drill year, which left only 45 points rather than the required 50 points needed in order for the applicant to have a good 2009-2010 drill year. The loss of a "good" drill year negatively impacted the applicant's qualifying number of service years for purposes of calculating her retirement benefits. The applicant is requesting relief from this error, because but for the Coast Guard's error, she would have ensured the proper number of days were completed. The applicant asserts it is unfair and unjust to be penalized by a reduced retirement benefit due to the Coast Guard's error in her record, and it

is a record that she does not have the authority or ability to correct herself. Her record now demonstrates 141 points earned in 2008-2009, 45 points earned in 2009-2010, and 222 points earned in 2010-2011. The applicant asserts that her over-achievement of points in drill years, and reaching what she thought was 50 points in the 2009-2010 period, being short of points by only 10 percent, demonstrates her commitment to fulfilling her required 50 points per year to achieve a good year. ,

SUMMARY OF THE RECORD

On June 28, 1999, the applicant enlisted into active duty for the Coast Guard. This is the applicant's DIEMS date now used as the anniversary date for calculating drill years.

On September 18, 2008, the applicant was released from active duty to enter the Coast Guard reserves. This is the RELAD date the Coast Guard previously assigned to the applicant's military record as the anniversary date for calculating drill years.

In March 2023, the applicant sought a review of her record to achieve an 18-year Active Duty waiver. During this SOCS review, it was discovered that the applicant's reserve start date was incorrect. It was originally entered as September 18, 2008, but the Coast Guard should have entered the applicant's Date of Initial Entry to Military Service (DIEMS), which is June 28, 1999. When the applicant's individual drill year anniversary date changed, it shifted all of her drills to sort in a new way. This created a loss of five days in 2009-2010, creating a bad drill year for the applicant by only receiving 45 days and needing 50 days to be considered a "good drill" year. Due to the original error created by the Coast Guard, the applicant believed she had accomplished a good drill year with 50 points in 2009-2010, but now suffers the harm caused by that Coast Guard administrative error.

VIEWS OF THE COAST GUARD

On May 8, 2025, a Judge Advocate (JA) for the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief.

The JA argues that the applicant is confusing the RELAD date with the DIEMS date for anniversary calculations. The DIEMS is the proper date and is now correctly reflected in the applicant's record as such. The redistribution of drill dates was appropriate to ensure the applicant's anniversary year was properly applied to each drill year. The applicant's records are correct in the system now and no relief is required to be granted.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 28, 2025, the Chair sent the applicant a copy of the Coast Guard's views and invited her to respond within thirty (30) days. The applicant requested an extension through July 17, 2025, and submitted a memo in response to the Advisory Opinion (AO).

The applicant requests that five (5) days be added to her drill year for 2009-2010. It is not appropriate that the Coast Guard can correct their created error at the detriment to the applicant's benefits and retirement eligibility. If the Coast Guard had not made this error, the applicant would have completed the necessary five (5) additional days for a good drill year. However, she

completed what she was told to be a good drill year only to later discover the Coast Guard's error and be penalized for it. The applicant requests relief for a good drill year to be reflected for 2009-2010.

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.

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.
2. The applicant brings her claim within the required three (3) year mark since the date of the error was discovered and created the issue under review. The applicant's record was corrected in 2023, creating the bad drill year by redistributing the drill points.
3. The applicant is seeking relief from the Coast Guards administrative error that created misinformation to the applicant, which she reasonably relied on to complete her AY drill schedule. The applicant has a strong record of service and drills dates completed for the Coast Guard. When the change in anniversary date occurred, five (5) drill days were taken from 2009-2010 AY and redistributed. This took the applicant from having a good drill year (50 drills completed) to a bad drill year (45 drills completed). Being off by only 10 percent for drills completed, the Board finds that the applicant reasonably believed that she had fulfilled her drill obligation for the 2009-2010 period. If on the other hand, the applicant had, for example, completed only six drills for 2009-2010, and then that number had shifted to only one drill, it would not be reasonable for the applicant to believe that but for the Coast Guard's error, she would

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

have completed the required 50 drills for that period. A bad drill does not count towards retirement and the 45 drills counted towards that year are of no value.

4. The JA fails to address the Coast Guard's original error, which prejudiced the applicant's ability to recognize a good or bad drill. Through the applicant's diligence, she ensured each reserve year accomplished the sufficient amount of drill days to receive a good drill year. Had the applicant known in 2009 that she needed five more days, it is more likely than not, based on the robust number of days served by the applicant, that the applicant would have ensured that she accomplished a good drill year. These drill dates matter in creating good drill years, which impact the applicant's efforts towards retirement and other benefits.

5. The applicant endured an error in her record created by the Coast Guard. This is a record the applicant does not have the ability to alter. The error was discovered in 2023, as the applicant began retirement planning. The applicant went from having a good drill year in 2009-2010, to receiving a bad drill year due to the redistribution of drill dates. This is not a fair outcome for the applicant.

6. The Coast Guard failed to maintain correct records for the applicant. The applicant reasonably relied on the date provided to her by the Coast Guard to earn her good drill years towards retirement. The Coast Guard corrected its administrative error years later at the disadvantage of the applicant. While the applicant's record no longer holds a clerical error, it holds an error based on injustice. Regurgitating that the record is the member's responsibility would be grossly insufficient and failure of the Coast Guard to uphold its core value of "devotion to duty" as it was the Coast Guard's duty to maintain this data with access and knowledge to create the correct date for the applicant's anniversary year. The applicant should not be penalized for the Coast Guard's administrative failures.

7. After full review of the application, facts, regulations, and policies the Board finds the Coast Guard failed to maintain correct records for the applicant. The applicant shall have five (5) days added to her AY 2009-2010 drill year to earn a total of fifty (50) drill days and receive a "good year" for retirement purposes.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of reserve Chief [REDACTED] (E7), USCG, for correction to the number of her IDT days for the 2009-2010 period is granted. The applicant's record will reflect a good drill year for the disputed year 2009-2010.

July 24, 2025

