

DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction  
of Coast Guard Record of:



BCMR Docket  
No. 83-96

DENIAL OF RELIEF

Chairman:

This is a proceeding under the provisions of section 1552 of title 10, United States Code.

It has been decided under § 52.32 of title 33, Code of Federal Regulations. This section of the rules of the BCMR authorizes the Chairman, under certain enumerated circumstances, to deny an application for correction to the BCMR.

The proceeding was commenced on February 27, 1996, upon the receipt by the BCMR of the applicant's request for correction of his military record. The decision in this case, dated February 11, 1997, was signed by the Chairman of the BCMR pursuant to subsection (a)(1) of § 52.33.

Request for Relief

The applicant was a pay grade E-8) at the date of his application. On February 29, 1996, he retired from active duty effective March 1, 1996.

The applicant asked the BCMR to "correct [the] injustice done to [him] in regards to denial of promotion from E8 to E9."

The applicant stated in an attachment to this application that "it is very unjust that I was accused of directing my subordinates to enter incorrect figures at the dining facility statements, to wit 100 lbs. of prime ribs that was still claimed after I was gone." In support of his performance, he submitted a copy of an April 30, 1995 letter of appreciation from his commanding officer and 20 pages of inventory reports.

### Pertinent Entries in Applicant's Military Record

Page 7 Entry dated June 8, 1995. The following entry was signed by the applicant: "As a result of being above the cutoff for advancement to E-9, I understand that I will be required either to extend my enlistment or reenlist prior to advancement, if necessary, to ensure meeting the two year obligated service requirement . . . ."

Letter from Applicant dated December 14, 1995 requesting retirement. (A copy of the letter was not included in the applicant's military record or submitted by him to the Board.) The request for retirement was approved by the Personnel Command on January 4, 1996.

February 27, 1996. Application for correction of applicant's military record received by BCMR.

Page 7 Entry dated February 29, 1996. Applicant retired from active duty in the Coast Guard, effective March 1, 1996.

Form DD 214 dated February 29, 1996: The narrative reason for the applicant's separation from the Coast Guard was "Sufficient Reason for Retirement." The separation code, RBD, means "Retirement after 20 years active Federal Service."

### Recommendation of the Coast Guard

On February 5, 1997, the BCMR received the views of the Coast Guard on the application. The Coast Guard stated that the applicant gave no reason for his being unjustly denied promotion to pay grade E-9, and it said that he did not allege any specific error or injustice which was accompanied by substantial proof in support of that allegation.

The Chief Counsel of the Coast Guard recommended that the BCMR deny relief on the ground that the applicant did not make any specific allegations of error or injustice and did not submit any substantial proof in support of those allegations.

### APPLICABLE REGULATION

#### § 52.32 Denial of relief.

"The Chairman may, notwithstanding § 52.64 and without written findings and conclusions, deny in writing all requested relief to an applicant at any time prior to consideration of the applicant's case by a Board if:

"(1) The information or evidence submitted by the applicant is insufficient to demonstrate probable substantial error or injustice; . . . ."

### CONCLUSIONS

1. The information or evidence submitted by the applicant is insufficient to demonstrate probable substantial error or injustice.

2. The applicant, on February 27, 1996, asked the BCMR to correct the "injustice" done to him with respect to the denial of his "promotion from E8 to E9." He stated that "it [was] very unjust" to accuse him of directing his staff "to enter incorrect figures at the dining facility statements."

3. The applicant did not, however, submit a description or proof of an injustice, and no entry in his military record indicates that he was ever accused of directing his staff to enter incorrect figures on dining facility statements.

4. On June 8, 1995, the applicant signed an administrative remarks (page 7) entry which included the following statement: "As a result of being above the cutoff for advancement to E-9, I understand that I will be required either to extend my enlistment or reenlist prior to advancement, if necessary, to ensure meeting the two year obligated service requirement per Article 5-C-25 Personnel Manual, COMDTINST M1000.6 (series)."

5. On December 14, 1995, the applicant made it impossible for him to comply with the two-year obligated service requirement. On that date, he applied for retirement orders from the Coast Guard. On January 4, 1996, the request was approved and March 1, 1996 was declared to be the first day of his retirement.

6. On February 27, 1996, the applicant applied to the BCMR for relief, and the Chairman sent a copy of it to the military justice division (LMJ) of the office of the Chief Counsel of the Coast Guard.

7. The applicant has not established that his failure of promotion was the result of any error or injustice on the part of the Coast Guard. His military record contains no allegations of wrongdoing by him, and it indicates that he did not comply with a basic prerequisite for advancement to pay grade E-9.

8. Accordingly, the application should be denied without prejudice to further consideration pursuant to subsection (b) of § 52 .32 of the rules. Further consideration should be available if the applicant submits evidence in addition to that contained in his application.

**ORDER**

The application of former [REDACTED]  
[REDACTED] for correction of his military record is denied.

[REDACTED]