

**DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2000-157

FINAL DECISION

ANDREWS, Attorney-Advisor:

This proceeding was conducted under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The BCMR docketed this case on July 7, 2000, upon receipt of the applicant's completed application.

This final decision, dated May 3, 2001, is 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 seaman (SN; pay grade E-3) serving on active duty in the Coast Guard, asked the Board to correct his record to show that he was advanced from seaman apprentice to seaman on the day his command recommended his advancement, March 6, 2000, instead of May 26, 2000. He alleged that the latter date of advancement was the result of an administrative error and that he lost pay and allowances as a result of the error.

In support of his allegations, the applicant submitted copies of documents proving that he had completed the required steps for advancement to SN before March 2000. He also submitted a copy of a document showing that on March 6, 2000, his command approved his request for advancement and certified that he had completed all necessary tests and "practical factors" to qualify.

VIEWS OF THE COAST GUARD

On November 22, 2000, the Chief Counsel of the Coast Guard recommended that the Board grant the applicant's request for the reasons provided in

a memorandum on the case prepared by the Coast Guard Personnel Command (CGPC) on October 31, 2000.

In the memorandum, CGPC stated that the applicant's supervisor had provided a statement indicating that he had personally carried the applicant's approved advancement "chit" to the unit's PERSRU (personnel reporting unit) for input on March 6, 2000, but that for unknown reasons, the chit was not processed by the PERSRU until June 26, 2000. CGPC stated that under Article 5.C.28.c. of the Personnel Manual, the PERSRU could not backdate the applicant's advancement by more than one month, so his date of advancement could only be backdated to May 26, 2000, by the PERSRU. However, under Article 5.C.28.a.1., advancement to pay grade E-3 is normally effective as of the "date subsequent to the completion of the applicable requirements." Therefore, CGPC recommended that the Board grant relief by correcting the applicant's date of advancement to March 6, 2000, and by ordering payment of any pay and allowances the applicant may have lost as a result of the error.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On November 28, 2000, the BCMR sent the applicant a copy of the Chief Counsel's advisory opinion and invited him to respond within 15 days. On December 19, 2000, the applicant responded, stating that he had no objections to the Chief Counsel's recommendation.

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 submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10 of the United States Code. The application was timely.
2. The applicant has proved by a preponderance of the evidence that he met the requirements for advancement to seaman, pay grade E-3, by March 6, 2000, and was recommended for advancement by his chain of command on that day. He has also proved that an administrative delay on the part of the Coast Guard caused his date of advancement to be recorded as May 26, 2000. But for that delay, he would have been advanced when his command first recommended it. *See* Personnel Manual, Article 5.C.28.a.1.
3. Accordingly, relief should be granted by correcting the applicant's record to show that he was advanced to pay grade E-3 on March 6, 2000.

ORDER

The application of XXXXXXXX, USCG, for correction of his military record is granted. His record shall be corrected to show that he was advanced to seaman, pay grade E-3, on March 6, 2000. The Coast Guard shall pay him any back pay and allowances he is due as a result of this correction.

Robert H. Joost

Jacqueline L. Sullivan

Betsy L. Wolf