

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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2000-131**

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**FINAL DECISION**

**ANDREWS, Attorney-Advisor:**

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. It was docketed on May 18, 2000, upon the BCMR's receipt of the applicant's request for correction.

This final decision, dated April 12, 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, who retired from the Coast Guard as a xxxxxx on xxxxxx, asked the Board to make the following corrections to the final officer evaluation report (OER) in her record:

1. correct her middle initial from "x" to "x";
2. correct the last four digits of her social security number (SSN) to those shown in the caption of this Final Decision;
3. correct her pay grade from O-x to O-x;
4. correct her date of rank from 00/02/07 to 94/06/08;
5. correct the final date of the reporting period from 00/02/07 to xxxxxx;
6. correct comments in block 2; and
7. remove all comments from block 3.

The applicant alleged that the middle initial and SSN shown on the disputed OER are erroneous. She alleged the other identified errors were made because she was both promoted and retired on xxxxxxxxx.

The applicant submitted with her application a copy of an OER completed "for continuity only" and a signed note from her unit's executive officer, who served as the reporting officer for the OER, stating that the new form was being submitted because the comments in block 3 of the original form were included in error as they were written for another officer.

### **SUMMARY OF APPLICANT'S RECORD**

The applicant enlisted in the Coast Guard Reserve on August 11, 1989, having previously served in the Naval Reserve. Her record contains numerous documents indicating that her middle initial is "x" and that the last four digits of her SSN are as shown in the caption of this Final Decision.

The applicant was discharged on xxxxxx, in order to accept a commission as an ensign in the Reserve on xxxxxx. Thereafter, she served continuously on active duty and was promoted to lieutenant junior grade (O-2) on xxxx, 1991. On xxxxx, 1994, she was integrated into the regular Coast Guard and promoted to lieutenant (O-3).

On xxxxxxx, the applicant received retirement orders after she was found to be 50 percent disabled due to a permanent disability. Her retirement orders stated that she was to be retired on xxxxxx, 2000, and that she was to "detach from all duties effective xxxxxxxx 2000, and proceed to your home of selection ... ." Her DD 214 indicates that on xxxxxx, 2000, she was retired due to a permanent disability at the rank of xxxxxx.

The applicant's final OER shows the evaluation period as ending on xxxxxxx. Her middle initial, originally typed in as an "x," is scratched out in ink and replaced with a "x." The last four digits of her SSN, typed in as "xxxx," are scratched out and replaced in pencil with the numbers shown in the caption of this Final Decision. Her grade, typed in as "xx," is scratched out in ink and replaced with "xx." Her date of rank, typed in as xxxxxx, is not corrected. Block 2 contains a description of her duties and mention of her Achievement Award. It only differs from the comments shown in block 2 of the substitute OER she submitted in that it includes the words "at the grade of xxxxxxx" when it refers to the fact that she is retiring. Block 3 of the OER contains many comments about her performance. She was assigned marks of "not observed" for all of the performance evaluation categories.

### **VIEWS OF THE COAST GUARD**

On November 30, 2000, the Chief Counsel of the Coast Guard recommended that the Board grant the applicant's request by correcting the date in block 1 of the disputed OER and by removing the comments in block 3. He stated that this was a matter of plain error and adopted the recommendations of the Coast Guard Personnel Command (CGPC), whose memorandum on the case he attached to his advisory opinion.

CGPC's memorandum states that "in the process of generating a final document for signature, numerous errors were made that were not detected by the Reviewer or during subsequent CGPC validation. Upon receipt of his [sic] copy, Applicant detected the errors and alerted his [sic] rating chain. Since the OER had already been validated and entered into the official record, Applicant was required to [apply to the BCMR for the correction]." CGPC concluded that the errors could be corrected by substituting the newly supplied page 1 of the OER for the original page 1. CGPC explained that officers who are retiring are supposed to receive continuity OERs under Article 10.A.3.a.5.c. of the Personnel Manual.

## APPLICANT'S RESPONSE TO THE COAST GUARD'S VIEWS

On December 4, 2001, the Chairman sent the applicant a copy of the Coast Guard's views and invited her to respond within 15 days. The applicant did not respond.

### RELEVANT REGULATIONS

Article 10.A.3.a.5.a.(3) states that an OER created "for continuity purposes only" may be submitted for "[a]n officer on a semi-annual schedule [who] has an approved retirement or separation (voluntary resignations and discharges only) date within 12 months of the last regular OER submission and has met the expected high standard of performance during the period."

Article 10.A.3.a.5.c. states the following:

c. When submitting a continuity OER, the Reported-on Officer shall complete Sections 1 and 13. The designated Supervisor shall briefly describe the Reported-on Officer's responsibilities in Section 2 and state the reason the OER is submitted for continuity purposes, e.g., Submitted IAW Article 10.A.3.a.5., member separating on 01 July 2000. All other evaluation areas, including section 9, shall be left blank with "NOT OBSERVED" marked for each dimension. In determining whether a "continuity purposes only" OER is appropriate for officers being separated, consideration should be given to the Reported-on Officer's opportunity to request a reserve commission at some future date. Lack of a fully documented OER upon separation may adversely affect the Reported-on Officer's ability to later obtain a reserve commission and compete at future reserve officer selection boards. Thus, for officers departing the service for reasons other than retirement, the Supervisor shall ensure that the Reported-on Officer acknowledges reviewing this paragraph. The Supervisor shall also include the following language in Section 2 of the report: "Officer states that he/she has reviewed the provisions of -> Article 10.A.3.a.5., and concurs with the decision to submit this "continuity purposes only" OER. Where any member of the rating chain, including the Reported-on Officer, has information deemed significant enough to report for the period the OER covers, -> Article 10.A.4.c. procedures apply.

Article 10.A.3.a.3.b. states that "[f]or officers separating from the Service, the period of the report shall end on the final day of active service, including days on terminal leave."

### 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 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 her middle initial, SSN, and pay grade were wrong as originally typed on the disputed OER. However, these three corrections have already been made to the OER in her record, either in ink or pencil. The Board finds that the correction to her SSN should be made in ink to be consistent with the other corrections.

3. The applicant has proved by a preponderance of the evidence that, under Article 10.A.3.a.3.b. of the Personnel Manual, the last day of the reporting period of the disputed OER should appear as xxxxxx because that was her last day on active duty and she was retired on xxxxxxxx.

4. The applicant has proved by a preponderance of the evidence that the date of rank on the disputed OER should be corrected to xxxxxxx, because that was the day she was promoted to the rank of xxxxxx, which was the rank she held throughout the reporting period covered by the OER.

5. The applicant has proved by a preponderance of the evidence that there should be no comments whatsoever in block 3 of the disputed OER since it is a report prepared "for continuity purposes only" under Article 10.A.3.a.5.c. of the Personnel Manual. Therefore, the comments in block 3 should be removed.

6. The applicant has not proved by a preponderance of the evidence that the words "at the grade of xxxxxxx" should be removed from block 2 of the OER. Article 10.A.3.a.5. of the Personnel Manual states that in block 2 of a continuity OER, the supervisor "shall briefly describe the Reported-on Officer's responsibilities in Section 2 and state the reason the OER is submitted for continuity purposes ... ." The reason the continuity report was submitted was that she was retiring. Although the fact that she was retiring as an xxx may be considered unnecessary information, the applicant has not shown how its inclusion could possibly harm her. Therefore, the Board finds that the inclusion of the words "at the grade of xxxxxx" in block 2 of the disputed OER is, at most, a harmless error that does not require correction.

7. The Board notes that the sentence, "Officer states that he/she has reviewed the provisions of -> Article 10.A.3.a.5., and concurs with the decision to submit this 'continuity purposes only' OER," does not appear in the disputed OER as required by Article 10.A.3.a.5. However, the Board will not make this correction because the applicant has not complained of its absence and its absence cannot harm the applicant, who appears to concur with the decision to prepare a continuity OER in any case.

8. Accordingly, the applicant's request should be granted by correcting her SSN in ink; by correcting her date of rank and the end date of the reporting period; and by removing all of the comments in block 3 on the disputed OER.

**[ORDER AND SIGNATURES APPEAR ON FOLLOWING PAGE]**

## ORDER

The application of retired XXXXXXXXXXX, USCG, for correction of her military record is hereby granted in part. The last OER submitted into her record, which was prepared because of her retirement, shall be corrected as follows:

- The social security number in block 1.b. shall be corrected in ink, rather than pencil, to reflect the correct number as shown above in this Order.
- The date of rank for her promotion to xxx shown in block 1.e. shall be corrected to xxxxxxx.
- The last day of the reporting period shown in block 1.j. shall be corrected from xxxxx to xxxxxx.
- All of the comments in block 3 shall be removed.

The remaining corrections requested by the applicant either have already been made in ink on the OER or are unnecessary.

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James K. Augustine

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Coleman R. Sachs

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Edmund T. Sommer, Jr.

