

Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-WP
Phone: 202-267-0641

COMDTINST 1070.10C
Nov. 12 1997

COMANDANT INSTRUCTION 1070.10C

Subj: PERSONNEL RECORDS REVIEW BOARD

1. PURPOSE. This Instruction provides for the establishment of a Personnel Records Review Board (PRRB) to recommend appropriate action on applications for correction or relief from error in the records of Coast Guard personnel and publishes procedures for the board. The Assistant Commandant for Human Resources shall establish and detail members to serve on the PRRB. This Instruction applies to all personnel involved in this process. Nothing in this Instruction precludes the correction of records without PRRB review by competent personnel acting within their authority.
2. ACTION. Area and district commanders, commanders, maintenance and logistics commands, commanding officers of Headquarters units, Assistant Commandants for Directorates, Chief Counsel, and Special staff offices at Headquarters shall ensure compliance with the provisions of this directive. The Director of Personnel Management will oversee the PRRB in accordance with this Instruction.
3. DIRECTIVES AFFECTED. Commandant Instruction 1070.10B is canceled.
3. SCOPE OF REVIEW. The PRRB is empowered to review all applications for correction of error contained in Coast Guard personnel records, except with respect to the following types of records which are already the subject of separate internal review processes:
 - a. Court-Martial Proceedings (see articles 60, 64, 65, 66, 67, 69, and 74, UCMJ).
 - b. Upgrading Discharges (see 33 CFR, part 51).
 - c. Medical Separations and Retirements (see COMDTINST 1850.2 (series)).
 - d. Nonjudicial Punishment (see article 1-E-11, COMDTINST M5810.1 (series)).

4. e. Enlisted Marks (see article 10-B-10, COMDTINST M1000.6 (series)).
- f. Coast Guard Personnel Security Program (see COMDTINST M5520.12 (series)).
- g. Discrimination Complaints (see COMDTINST M5350.11B (series)).
- h. Administrative Discharge Board Proceedings (see articles 12-A-8, 9, 11, 15, and 21 and 12-B-31 and 32, COMDTINST M1000.6 (series)).

Requests under the Privacy Act, 5 U.S.C. Section 552A, to correct personnel records, including those records listed above, may be referred at the discretion of the Director of Personnel Management to the PRRB for its review and recommendations.

5. MISSION OF THE BOARD.

- a. The PRRB acts initially on applications for correction of error in personnel records within its purview before such applications are submitted to the Board for Correction of Military Records of the Coast Guard (see 10 U.S.C. Section 1552; 33 CFR part 52; article 13-B-7, COMDTINST M1000.6 (series)).
- b. The PRRB recommends to the Director of Personnel Management, or the Director of Reserve and Training, action to be taken on applications for correction of error. The foremost duty of the PRRB is to protect both the interests of the Coast Guard and the applicant by ensuring accurate and reliable personnel records. All contested records will be accorded a presumption that they are administratively correct and prepared in accordance with applicable laws and regulations unless the PRRB is persuaded that the presumption has been overcome after considering all the reliable evidence in the record before them. The PRRB may determine what information, other than that provided by the applicant, is needed to properly consider each application. In reviewing applications and making its recommendations, the PRRB is guided by its best professional judgment and experience. The PRRB may recommend corrections other than those specifically requested by the applicant.
- c. The PRRB will not accept applications from persons who are retired or separated from the Coast Guard.
- d. The PRRB will not accept any third party applications except in extreme conditions such as death or incompetency.

6. COMPOSITION AND PROCEDURES OF THE BOARD.

- a. Under the cognizance of the Director of Personnel Management the PRRB will consist of at least three ad hoc members. The Deputy Director of Personnel Management or a designee will act as president of the board. A representative of the Chief Counsel (G-L) will also be a member in all cases. The third member will be from the Coast Guard Personnel Command, Officer Personnel Management Division (CGPC-opm) if the record

of an officer on active duty is involved, the Coast Guard Personnel Command, Enlisted Personnel Management Division (CGPC-epm) if the record of an enlisted member on active duty is involved, or Coast Guard Personnel Command (CGPC-rpm) if an inactive Reserve record is involved. When an inactive reserve member's record is involved, at least one member of the board will be from the reserve component. There will be a fourth member from the Coast Guard Personnel Command, Evaluations Branch (CGPC-opm-3) or Reserve Personnel Management Division, OES Manager (CGPC-rpm-3) if error is alleged in an officer evaluation report (OER). Normally a majority of the members shall be senior to the applicant, but in cases where this is not practicable, the report of the the approving authority shall so indicate. The recommendations of the board are to be based on a majority vote; minority views may be submitted. No person may be a member in a case in which he or she has been personally involved.

- b. PRRB proceedings are administrative, nonadversarial, and informal. The PRRB is not required to meet as a body to act on an application, is not bound by the formal rules of evidence used in courts-martial or other court proceedings, and may consider any evidence having probative value concerning the application before the board. Neither applicants nor their representatives may appear before the PRRB. However, the PRRB may obtain additional information from the applicant, persons in the chain of command, or any other relevant source in order to ensure a proper and correct result. In keeping with sound judgment, the president of the PRRB may determine the method to be used in reviewing and evaluating applications to ensure expeditious yet proper handling of each case.

7. POLICIES AND STANDARDS.

- a. Personnel records are presumed to be administratively correct and prepared in an objective manner in accordance with applicable laws and regulations.
- b. The burden of proof is upon the applicant. Accordingly, to justify correction of a record, the applicant must produce clear and convincing evidence which overcomes the presumption of regularity with respect to the contested record and establishes that action is warranted to correct a material error.
- c. Correction of a procedural irregularity or error does not necessarily entitle an applicant to relief beyond having a corrected record. To be entitled to additional relief, applicants must clearly demonstrate a substantial connection or causal relationship between the error which was corrected and the benefit or additional relief requested.
- d. Assuming each case will be factually unique, the PRRB is not bound by past decisions, but should strive to treat similar cases consistently.
- e. Applications must be supported by relevant and reliable evidence. Such evidence should include the sworn statements of relevant witnesses, including the applicant, detailing the information they have and their basis for it. Relevant documents and contact information for each witness should also be included. Applications consisting only of applicant's opinions and allegations, without independent supporting evidence, will not be sufficient to overcome the presumption of regularity

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8. TIME RESTRICTIONS. PRRB applications must be received at Coast Guard Headquarters within 1 year of the date on which the contested information was entered or should have been entered into the official record. Applications which exceed these time restrictions will not be considered by the PRRB and may be submitted directly to the Board for Correction of Military Records of the Coast Guard (CGBCMR) in accordance with 33 CFR part 52.
9. SUBMISSION OF AN APPLICATION. Applications shall be submitted using DD Form 149. Completion of the form is self-explanatory (see enclosure (1)). If the space provided on the form is insufficient, the item information should be placed on a separate piece of paper attached to the form and that item of the DD Form 149 should be marked "See Attachment." In addition to the instructions contained in DD Form 149:
 - a. In item 8 or on attached sheets, identify specifically the alleged erroneous document or omission in the record. State in detail the correction desired and other relief sought, if any.
 - b. In item 9 or on attached sheets, explain fully and clearly why the record should be corrected.
 - c. In item 10 or on attached sheets, list the documents or sworn statements from individuals which are attached to support the alleged error. Attached documents or sworn statements should be originals or certified true copies.
 - d. The application may be submitted directly to Commandant (G-WP) without going through the chain of command. However, applicant should consider soliciting command input, which often supports the applicant's allegation of error. Command input should be included as an enclosure when applicable.
 - e. Forward the completed application with all enclosures (original and five copies of entire package) directly to:

Commandant (G-WP)
Attn: Personnel Records Review Board
U. S. Coast Guard
2100 2nd Street, SW
Washington, DC 20593-0001

Applicants desiring acknowledgment of application receipt must include along with their application an Acknowledgment/Referral Card (CG-4217) with the postcard self-addressed and the "FROM" and "REFERENCE YOUR COMMUNICATION" blocks completed.

- f. Applications may be considered complete when received. Incomplete applications or those which lack support may be rejected. Therefore, do not submit an application without all necessary support documents.
- g. After submitting the application, applicants shall notify the PRRB of any change in mailing address.
- h. Applicants desiring to have a record corrected prior to the date of a selection or promotion board should clearly state that desire on their application and should ensure that the application is submitted well in advance of the scheduled convening date of the particular board. The PRRB will make every reasonable effort to act prior to the board's convening date.

10. INITIAL DISPOSITION. The division responsible for the contested record will screen the application and take appropriate action within its authority.

11. DISPOSITION BY THE BOARD.

- a. The PRRB will review and independently evaluate each case properly referred to it. The president of the PRRB may seek assistance or information pertinent to cases before the PRRB from other Coast Guard personnel.
- b. Where the PRRB cannot take action on the application the president may either return the application to the applicant or forward it to the BCMR.
- c. Findings, conclusions, and recommendations of the PRRB in each case will be set out in a case summary.

12. FINAL DISPOSITION.

- a. In most cases, the Director of Personnel Management will take final action on recommendations of the PRRB involving active duty members and the Director of Reserve and Training will take final action on records concerning reservists on inactive duty, active duty special work - RC, and active duty special work - AC.
- b. The final action authority will approve, disapprove, or modify the recommendation of the PRRB. Actions which disapprove or modify the recommendations of the PRRB will include reason(s) for doing so.
- c. The Executive Secretary will distribute the report of the board and final action as follows:
 - (1) Executive Secretary - PRRB master file.
 - (2) Board for Correction of Military Records (DOT C-60).
 - (3) Commandant (G-LMJ) - Office of Military Justice

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- (4) Coast Guard Personnel Command (CGPC-adm-3) -- Records Branch
 - (5) Coast Guard Personnel Command (CGPC-opm-1) - Boards, Promotions, and Separations Branch (Cases involving active duty officers)
 - (6) Coast Guard Personnel Command (CGPC-opm-3) -- Officer Evaluations Branch (Cases involving OER's of active duty officers)
 - (7) Coast Guard Personnel Command (CGPC-epm-1) - Advancements and Separations Branch (Cases involving active duty enlisted)
 - (8) Coast Guard Personnel Command (CGPC-rpm) Reserve Personnel Management Division (Cases involving inactive duty reservists)
- d. Applications denied or partially denied may be forwarded to the BCMR or returned to the applicant.
 - e. The PRRB will reconsider applications only upon the presentation of additional material evidence which was not reasonably available when the original application was submitted.
13. FORMS AVAILABILITY. DD Form 149, Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552, is available on Work Station II Forms Plus Laser and Work Station III Jet Form Filler. Forms that are automated will no longer be stocked at Supply Center Baltimore. CG-4217 Acknowledgment/Referral Card may be obtained from Supply Center Baltimore using SN 7530-00-F02-1760, U/I (EA).

Encl: (1) DD Form 149

APPLICATION FOR CORRECTION OF MILITARY RECORD UNDER THE PROVISIONS OF TITLE 10, U.S. CODE, SECTION 1552 <small>(Please read instructions on Page 2 BEFORE completing application)</small>		Form Approved OMB No. 0704-0003 Expires Mar 31, 1996
Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget Paperwork Reduction Project (303), Washington, DC 20503.		
DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON PAGE 2 OF THIS FORM.		
AUTHORITY: Title 10, U.S. Code 1552, EO 9397.		PRIVACY ACT STATEMENT
PRINCIPAL PURPOSE: To initiate an application for correction of military record. The form is used by Board members for review of pertinent information in making a determination of relief through correction of a military record.		
ROUTINE USE(S): None.		
DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security number is strictly to assure proper identification of the individual and appropriate records.		
1. APPLICANT DATA		
a. BRANCH OF SERVICE (X one) <input type="checkbox"/> (1) ARMY <input type="checkbox"/> (2) NAVY <input type="checkbox"/> (3) AIR FORCE <input type="checkbox"/> (4) MARINE CORPS <input type="checkbox"/> (5) COAST GUARD		
b. NAME (Last, First, Middle Initial) (Please print)		c. PRESENT PAY GRADE
		d. SERVICE NUMBER (If applicable)
		e. SOCIAL SECURITY NUMBER
2. TYPE OF DISCHARGE (If by court-martial, state type of court.)		3. PRESENT STATUS, IF ANY, WITH RESPECT TO THE ARMED SERVICES (Active duty, Retired, Reserve, etc.)
		4. DATE OF DISCHARGE OR RELEASE FROM ACTIVE DUTY
5. ORGANIZATION AT TIME OF ALLEGED ERROR IN RECORD		6. I DESIRE TO APPEAR BEFORE THE BOARD IN WASHINGTON, D.C. (No expense to the Government) (X one)
		<input type="checkbox"/> a. YES <input type="checkbox"/> b. NO
7. COUNSEL (If any)		b. ADDRESS (Street, City, State and Zip Code)
a. NAME (Last, First, Middle Initial)		
8. I REQUEST THE FOLLOWING CORRECTION OF ERROR OR INJUSTICE:		
HAVE THE RECORD TO BE IN ERROR OR UNJUST IN THE FOLLOWING PARTICULARS:		
10. IN SUPPORT OF THIS APPLICATION I SUBMIT AS EVIDENCE THE FOLLOWING (If Veterans Administration records are pertinent to your case, give Regional Office location and Claim Number.)		
11. ALLEGED ERROR OR INJUSTICE		
a. DATE OF DISCOVERY	b. IF MORE THAN THREE YEARS SINCE THE ALLEGED ERROR OR INJUSTICE WAS DISCOVERED, STATE WHY THE BOARD SHOULD FIND IT IN THE INTEREST OF JUSTICE TO CONSIDER THIS APPLICATION.	
12. APPLICANT MUST SIGN IN ITEM 16. IF THE RECORD IN QUESTION IS THAT OF A DECEASED OR INCOMPETENT PERSON, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY APPLICATION. IF APPLICATION IS SIGNED BY OTHER THAN APPLICANT, INDICATE RELATIONSHIP OR STATUS BY MARKING APPROPRIATE BOX.		
<input type="checkbox"/> a. SPOUSE <input type="checkbox"/> b. WIDOW <input type="checkbox"/> c. WIDOWER <input type="checkbox"/> d. NEXT OF KIN <input type="checkbox"/> e. LEGAL REP <input type="checkbox"/> f. OTHER (Specify)		
13. I MAKE THE FOREGOING STATEMENTS, AS PART OF MY CLAIM, WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILLFULLY MAKING A FALSE STATEMENT OR CLAIM. (U.S. Code, Title 18, Sec. 287, 1001, provides a penalty of not more than \$10,000 fine or not more than 5 years imprisonment or both.)		
14. COMPLETE CURRENT ADDRESS, INCLUDING ZIP CODE (Applicant should forward notification of all changes of address.)		DOCUMENT NUMBER (Do not write in this space.)
15. DATE SIGNED		16. SIGNATURE (Applicant must sign here.)

INSTRUCTIONS

(All data should be typed or printed)

1. For detailed information see: Air Force Regulation 31-3; Army Regulation 15-185; Coast Guard, Code of Federal Regulations; Title 33, Part 52; or Navy, NAVEXOS P-473, as revised.
2. Submit only original of this form.
3. Complete all items. If the question is not applicable, mark "None."
4. If space is insufficient, use "Remarks" or attach additional sheet.
5. Various veterans and service organizations furnish counsel without charge. These organizations prefer that arrangements for representation be made through local posts or chapters.
6. List all attachments and enclosures.
7. **ITEMS 6 AND 7.** Personal appearance of you and your witnesses or representation by counsel is not required to ensure full and impartial consideration of applications. Appearances and representations are permitted, at no expense to the Government, when a hearing is authorized.
8. **ITEM 8.** State the specific correction of record desired.
9. **ITEM 9.** In order to justify correction of a military record, it is necessary for you to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the alleged entry or omission in the record was in error or unjust. Evidence may include affidavits or signed testimony of witnesses, executed under oath, and a brief of arguments supporting application. All evidence not already included in your record must be submitted by you. The responsibility for securing new evidence rests with you.
10. **ITEM 11.** 10 U.S.C. 1552b provides that no correction may be made unless request is made within three years after the discovery of the error or injustice, but that the Board may excuse failure to file within three years after discovery if it finds it to be in the interest of justice.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW

ARMY	COAST GUARD
<p>(For Active Duty Personnel) Army Board for Correction of Military Records Department of the Army, 2nd Floor 1941 Jefferson Davis Highway Arlington, VA 22202-4508</p> <p>(For Other than Active Duty Personnel) CO, USARPERCEN ATTN: DARP-VSA-A 9700 Page Blvd. St. Louis, MO 63132-5200</p>	<p>Chairman Board for Correction of Military Records (C-60) Department of Transportation 400 7th St., SW Washington, DC 20590</p>
NAVY AND MARINE CORPS	AIR FORCE
<p>Board for Correction of Naval Records Department of the Navy Washington, DC 02370-5100</p>	<p>Board for Correction of Air Force Records ATTN: SAF/MIBR 550-C Street West A Wing, Basement Randolph AFB, TX 78150-4722</p>

17. **REMARKS** *(Applicant has exhausted all administrative channels in seeking this correction and has been counseled by a representative of his/her servicing military personnel office. (Applicable only to active duty and reserve personnel.))*