§ 52.56 Conduct of hearing.
(a) The Chair or the Chair’s designee shall conduct a hearing so as to ensure a full and fair presentation of the evidence.
(b) The hearing is not limited by legal rules of evidence, but reasonable standards of competency, relevancy, and materiality are observed for the receipt and consideration of evidence.
(c) All testimony shall be given under oath or affirmation.

§ 52.57 Record of hearing.
A hearing pursuant to this subpart in open session shall be recorded verbatim and, at the discretion of the Board or direction of the Secretary, shall be transcribed.

Subpart G—Judgment and Disposition

§ 52.61 Deliberations and decision.
(a) The Board is convened at the call of the Chair and its meetings are recessed or adjourned by order of the Chair. Only members of the Board and its staff may be present during the deliberations of the Board. The Board’s deliberations are conducted in executive session and are not reported.
(b) When the Board finds that the facts have not been fully and fairly disclosed by the records, testimony, and any other evidence before the Board, the Board may request the applicant and/or the Coast Guard to obtain and submit such further evidence as it considers essential to a complete and impartial understanding of the facts and issues.
(c) Following the receipt of all evidence, the Chair shall cause to be prepared and shall submit to the Board for its consideration a draft decision containing proposed findings and conclusions and a proposed order. A majority vote of the members of the Board present at a meeting on any matter relating to a draft decision before the Board shall constitute the action of the Board. If a draft decision is approved by the Board, it shall become a decision of the Board.
(d) The decision of the Board shall specify any change, correction, or modification of records to be made by the Coast Guard, and any other action deemed necessary to provide full and effective relief, which may include directing the Coast Guard to convene medical boards.
(e) If the Board deems it necessary to submit a comment or recommendation to the Secretary as to a matter arising from, but not directly related to, the issues in a case, it does so by separate communication.

§ 52.62 Minority report.
In case of disagreement among Board members, a minority report may be submitted dissenting from or concurring with the decision of the Board.

§ 52.63 Record of proceedings.
(a) The Board shall prepare a complete record of each proceeding. The record shall include the application for relief; the written views of the Coast Guard, if any; any transcript of testimony; affidavits and documents considered by the Board; briefs and written arguments filed in the case; the findings, decisions, and recommendations of the Board; minority reports, if any; and all other materials necessary to reflect a true and complete history of the proceedings.
(b) After final action has been taken on an application in accordance with § 52.64, any classified, privileged, or sensitive information in the record of proceedings that has been provided by the Coast Guard or another Government office in accordance with §§ 52.42 or 52.43 shall be returned by the Board to the office from which it was received. Only a copy of the information provided by the Coast Guard or other Government office for release to the applicant in accordance with § 52.49(c) shall be retained in the permanent record of proceedings after final action is taken.

§ 52.64 Final action.
(a) The Board, provided that it acts unanimously, may take final action on behalf of the Secretary, pursuant to 10 U.S.C. 1552, as follows:
(1) The Board may deny an application for the correction of military records.
(2) Unless the Coast Guard, in submitting its views pursuant to § 52.42(b), identifies and describes a significant
issue of Coast Guard policy challenged
in the application, the Board may ap-
prove an application for the correction
of military records in any of the fol-
lowing categories:

(i) An application to correct an en-
listment or reenlistment contract or
agreement to extend an enlistment for
the purpose of effecting or increasing
entitlement to a Selective Reenlist-
ment Bonus;
(ii) An application to modify an elec-
tion to participate in the Survivor Ben-
efit Plan;
(iii) An application to change a reen-
listment eligibility code;
(iv) An application to correct the
character of, or reason for, a discharge
or separation; or
(v) An application to receive a medal
or award.

(3) The Board may approve any appli-
cation for correction of military
records not included in one of the cat-
egories in paragraph (a)(2) of this sec-
tion, if the Coast Guard recommends
the same or substantially same relief
as that requested by the applicant.

(b) Except in cases where the Board
takes final action under paragraph (a)
of this section, the Board shall forward
the record of its proceedings to the
Secretary, who may approve, di-
approve, or concur in the decision of
the Board or the minority report, if
any, either in whole or in part, and
amend the order of the Board accord-
ingly, or return the case to the Board
for additional consideration. After tak-
ing final action, the Secretary shall
send any such statement and the
record of proceedings to the Board for
disposition.

§ 52.65 Orders.

(a) The Board shall issue such orders
or directives as may be necessary to
carry out a final action.

(b) The Board may ask the Coast
Guard to submit a written report to
the Board specifying the action taken
and the date thereof with respect to
any final action.

(c) Unless doing so is likely to nullify
the relief granted, copies of the final
decision shall be placed in the military
record of the applicant.

§ 52.66 Notification.

After final action is taken under
§ 52.64, the Board shall send a copy
of the final decision to the applicant. The
applicant may inspect the permanent
record of proceedings at Board offices.

§ 52.67 Reconsideration.

(a) Reconsideration of an application
for correction of a military record
shall occur if an applicant requests it
and the request meets the require-
ments set forth in paragraph (a)(1) or
(a)(2) of this section.

(1) An applicant presents evidence or
information that was not previously
considered by the Board and that could
result in a determination other than
that originally made. Such new evi-
dence or information may only be con-
sidered if it could not have been pre-
sented to the Board prior to its origi-

nal determination if the applicant had
exercised reasonable diligence; or
(2) An applicant presents evidence or
information that the Board, or the Sec-
retary as the case may be, committed
legal or factual error in the original
determination that could have resulted
in a determination other than that
originally made.

(b) The Chair shall docket a request
for reconsideration of a final decision if
it meets the requirements of paragraph
(a)(1) or (a)(2) of this section. If neither
of these requirements is met, the Chair
shall not docket such request.

(c) The Board shall consider each ap-
plication for reconsideration that has
been docketed. None of the Board
members who served on the Board that
considered an applicant’s original ap-
plication for correction shall serve on
the Board that decides the applicant’s
application upon reconsideration.

(d) Action by the Board on a dock-
eted application for reconsideration is
subject to §§ 52.26 and 52.64(b).

(e) An applicant’s request for recon-
sideration must be filed within two
years after the issuance of a final deci-
sion, except as otherwise required by
law. If the Chair docketed an applicant’s
request for reconsideration, the two-
year requirement may be waived if the
Board finds that it would be in the in-
terest of justice to consider the request
despite its untimeliness.