

Coast Guard, DHS

§ 50.5

Washington D.C. 20226. Forms for application for review will be provided upon request.

(c) An application requesting a review shall contain:

(1) The full name of the applicant;

(2) The mailing address of the applicant;

(3) A brief statement setting out the basis of the request for review, showing in general the nature of error or inequity believed to have occurred in the findings and decision of the retiring board;

(4) The corrective action requested;

(5) Whether the applicant desires to appear before the Board in person;

(6) Whether the applicant will be represented by counsel, and if so, the name and address of counsel.

(d) No request for review shall be valid, and the Board will not consider an application, unless filed within fifteen years after the date of retirement for disability, or after the effective date of the act of June 22, 1944, whichever is the later.

[10 FR 5650, May 17, 1945. Redesignated at 13 FR 7303, Nov. 30, 1948]

§ 50.4 Presentation of case.

(a) The applicant may present his case:

(1) Solely by written application, or by written application together with any additional written evidence or argument that he may desire to submit;

(2) At a hearing before the Board.

(b) The case of an applicant may be presented by his counsel. The term "counsel" includes members of the bar in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (49 Stat. 2031, 38 U. S. C. 101), and any other person approved by the Board.

(c) If an applicant signifies a desire to present his case at a hearing, the Board will give him written notice of the place of his hearing, and of the time, which shall be at least thirty days after the time of mailing the notice.

(d) The Board may, upon its own motion or at the request of the applicant or his counsel, grant a continuance whenever it appears necessary, in the

judgment of the Board, in order to insure a thorough, complete and equitable hearing.

(e) The case of any applicant who fails to appear, either in person or by counsel, after being duly notified of the time and place of the hearing will be decided upon the written application and such other evidence as is available to the Board.

(f) As far as practicable the hearings of the Board will be conducted in accordance with the pertinent instructions contained in Coast Guard Boards, 1935, as amended, except that:

(1) Physical examination of the applicant is not mandatory, but the Board may request that he submit to physical examination by physicians of the Board's choice in any case in which it appears to the satisfaction of the Board to be essential;

(2) The medical members of the Board will not submit a report and will not be subject to examination.

(g) Evidence may be submitted to the Board by oral testimony under oath, or in the form of depositions or affidavits. Witnesses appearing before the Board will be subject to examination or cross-examination, as the case may be, by members of the Board and the applicant or his counsel.

(h) The Board will consider all available service records and all matter adduced by the applicant that bears upon the merits of the case. It will not be restricted by the rules of evidence.

(i) Classified matter of the Coast Guard will not be made available to an applicant or his counsel. The Board will, when it deems it necessary in the interest of justice and compatible with the public interest, make available a summary of relevant classified matter.

(j) The Government will not assume or pay any expenses incurred by an applicant, or by his witnesses or counsel.

[10 FR 5650, May 17, 1945. Redesignated at 13 FR 7303, Nov. 30, 1948]

§ 50.5 Action by the Board.

(a) After a complete and thorough review of the evidence before it the Board will, in closed session, deliberate and make its decision affirming or reversing the findings and decision of the retiring board being reviewed.