

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2010-264

**XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX**

FINAL DECISION

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the application upon receipt of the applicant's completed application on September 27, 2010, and subsequently prepared the final decision as required by 33 CFR § 52.61(c).

This final decision, dated June 23, 2011, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATION

The applicant asked the Board to correct his record to show that he was advanced to pay grade E-3 (seaman (SN)) upon his graduation from recruit training. He stated that he was promised advancement to E-3 upon his graduation. Additionally, he stated that he was qualified and eligible for advancement to E-3 because he agreed to a six-year enlistment on a statement of understanding (CG-3301-G) that authorized the advanced pay grade.

The record contains an enlistment contract showing that the applicant enlisted in the Coast Guard Reserve on June 1, 2010, in pay grade E-3. Section G. of the contract shows that the applicant was discharged from the Reserve and enlisted in the regular Coast Guard in pay grade E-3 on October 27, 2010.

VIEWS OF THE COAST GUARD

On January 5, 2011, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant relief in accordance with the recommendation from the Commander, Personnel Service Center (PSC).

PSC stated that the applicant accepted and executed a six-year enlistment contract in pay grade E-3. PSC stated that under Article 2.E.6.b.10.b. of the Recruiting Manual, individuals "who enlist in the Regular Coast Guard for a period of 6 years of active duty may be enlisted in

pay grade E3.” PSC stated that according to the applicant’s original recruiter, an administrative error caused the applicant not to be enlisted in pay grade E3. PSC stated there is nothing in the record to indicate that the applicant was not entitled to pay grade E-3 upon his enlistment. Therefore, PSC stated that the applicant should be entitled to all pay and benefits commensurate with pay grade E-3 beginning on June 1, 2010.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On January 15, 2011, the applicant responded to the advisory opinion and agreed with the 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 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 Board finds that the Coast Guard committed an error by not enlisting the applicant in pay grade E3, as he was promised. The Board is persuaded in this finding by the enlistment contract which is evidence that the Coast Guard intended to enlist the applicant in pay grade E-3; the statement of understanding promising enlistment in the advanced pay grade signed by the recruiter and the applicant; and the recruiter’s statement to PSC that the applicant was not enlisted in pay grade E-3 due to an administrative error. In light of the above, the Board agrees that the applicant should have been enlisted in pay grade E-3.

3. The Board notes that although the applicant stated that he was to be advanced to E-3 after recruit training, the Coast Guard stated that he was supposed to be enlisted in pay grade E-3 from the inception of his enlistment. The Board will grant the correction as recommended by the JAG. The correction is not detrimental to the applicant and he did not object to it in his response to the advisory opinion.

4. Accordingly, the applicant should be granted relief.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of XXXXXXXXXXXXXXXXXXXX, for correction of his military record is granted. His record shall be corrected to show that he enlisted in the Coast Guard on June 1, 2010, in pay grade E3. Any enlistment contracts in his record that are inconsistent with this order shall be removed or corrected as appropriate. He shall receive all pay and allowances due as a result of this correction.

Philip B. Busch

Reagan N. Clyne

Rebecca D. Orban