

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2002-135

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 BCMR docketed the applicant's request for correction on July 5, 2002.

This final decision, dated May 22, 2003, 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 asked the Board to correct his record to show that his pay grade from the date of his enlistment, May 19, 1997, to November 18, 1997, was E-3 instead of E-2, and that his pay grade from March 12, 1998, to May 18, 1998, was E-4 instead of E-3.

The applicant alleged that his recruiter incorrectly advised him that, as an Eagle Scout, he could enlist as an E-2. He alleged that, in fact, the Recruiting Manual allows Eagle Scouts to enlist in pay grade E-3. He further alleged that, if he had enlisted as an E-3, he would have advanced to E-4 upon his graduation from "A" School on March 12, 1998. He alleged that, because of his recruiter's error, he was enlisted as an E-2 and he did not advance to E-4 until six months after his advancement to E-3 on November 19, 1997.

In support of his allegations, the applicant submitted a copy of Article 2.G.4.b.7.c. of the current Recruiting Manual, which states that "Applicants who are Eagle Scouts may be enlisted in pay grade E-3."

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard as an E-2 on May 19, 1997. On the same day, he signed a form CG-3301R, Statement of Understanding: Enlistment in an Advanced Pay Grade. This form allows recruiters to document the enlistment of college students and members of the Reserve Officer Training Corps (ROTC), Junior ROTC, Naval Sea Cadet Corps, Coast Guard Auxiliary, and Sea Explorers as E-2s or E-3s. On the applicant's CG-3301R, the words "Eagle Scout" have been typed at the bottom of this list and his enlistment as an E-2 is indicated directly above his signature.

VIEWS OF THE COAST GUARD

On November 29, 2002, the Chief Counsel of the Coast Guard recommended that the Board deny the applicant's request. He stated that the Recruiting Manual was revised on March 23, 1999, to allow Eagle Scouts to be enlisted as E-3s. However, when the applicant enlisted in 1997, the Recruiting Manual provided no such incentives for Eagle Scouts.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On December 2, 2002, the BCMR sent the applicant a copy of the views of the Coast Guard invited him to respond. No response was received.

APPLICABLE REGULATIONS

Article 2.G.4. of the Recruiting Manual, COMDTINST M1100.2C, dated May 18, 1994, provides that college students and members of the ROTC, Junior ROTC, Naval Sea Cadet Corps, Coast Guard Auxiliary, and Sea Explorers may be enlisted as E-2s or E-3s. Eagle Scouts are not mentioned.

Article 2.G.4.b.7. of COMDTINST M1100.2D, dated March 23, 1999, provides that "Applicants who are Eagle Scouts may be enlisted in pay grade E-2."

Paragraph 5 of ALCOAST 057/99, issued on August 16, 1999, states that "[r]ecruit applicants who became Eagle Scouts or received the Girl Scout Gold Award are authorized enlistment as E-3's vice E-2's."

Paragraph F of ALCOAST 124/99, issued on October 4, 1999, states that the authorization to recruit Eagle Scouts and Girl Scout Gold Award recipients as E-3s became effective on August 17, 1999, and would be incorporated into the Recruiting Manual.

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 submissions, and applicable law:

1. The Board has jurisdiction over this matter pursuant to the provisions of 10 U.S.C. § 1552. The application was timely.
2. Although the applicant alleged that he should have been enlisted as an E-3 in 1997 because he was an Eagle Scout, ALCOASTs 057/99 and 124/99 clearly indicate that recruiters were not authorized to enlist Eagle Scouts as E-3s until August 17, 1999.
3. When the applicant enlisted, there was no provision in the Recruiting Manual for enlisting Eagle Scouts at an advanced rank. Presumably, his recruiter received authorization from the Recruiting Command or from an ALDIST or ALCOAST bulletin to enlist the applicant as an E-2.
4. The language in the Recruiting Manual is permissive in that it permits recruiters to use offers of advanced rank as incentives to recruits with certain credentials but does not require recruits with those credentials to receive an advanced rank. Therefore, even if there had been authorization for recruiters to offer Eagle Scouts enlistment as E-3s in 1997, the applicant's enlistment as an E-2 would not have been erroneous *per se*. Moreover, the record shows that he voluntarily enlisted as an E-2.
5. Accordingly, the applicant's request should be denied.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application of xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is denied.

