

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2009-131

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the applicant's completed application on April 24, 2009, and assigned it to staff member J. Andrews to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated December 17, 2009, 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 ALLEGATIONS

The applicant asked the Board to correct his record to show that he was enlisted in pay grade E-3 instead of E-1. He alleged that he agreed to a six-year enlistment because he was told that with a six-year commitment he could enlist as an E-3. He alleged that his enlistment documents show that he enlisted as an E-3. However, an error was made and the Coast Guard's database shows that he enlisted as an E-1. In support of his allegations, the applicant submitted copies of his enlistment documents.

SUMMARY OF THE RECORD

On September 9, 2008, the applicant enlisted in the Coast Guard Reserve as an E-1 under the Delayed Entry Program. On December 2, 2008, the applicant enlisted in the regular Coast Guard for a term of six years. The enlistment contract incorporates by reference Annexes A, E, G, and Z. Annex G is a "Statement of Understanding for Enlistment in Advanced Pay Grade." Paragraph 3 states that a recruit may be enlisted in pay grade E-3 if he signs a six-year enlistment contract. This page is signed by the applicant and his recruiter, but the block to initial to indicate that the option was offered by the recruiter is not initialed. However, the Record of Military Processing in the applicant's record states in block 18.g. that his pay grade upon accession was to be E-3. His Reservation Request for recruit training also shows that he had been approved for a six-year enlistment in pay grade E-3, as does an "Applicant Information Page – Enlisted."

VIEWS OF THE COAST GUARD

On August 11, 2009, the Coast Guard submitted an advisory opinion recommending that the Board grant relief by correcting the applicant's record to show that he enlisted in pay grade E-3 on December 2, 2008, because his enlistment documents support his allegation. The Coast Guard also recommended that, if the applicant's placement on an "A" School list has been delayed because of his rank, his placement on the list be adjusted to what it would have been had he been enlisted as an E-3.

RESPONSE TO THE VIEWS OF THE COAST GUARD

On August 13, 2009, the Chair sent the applicant a copy of the views of the Coast Guard and invited him to respond within 30 days. No response was received.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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 10 U.S.C. § 1552. The application was timely.
2. Based on the evidence in his enlistment documents, the Board finds that the applicant has proved by a preponderance of the evidence that he was approved for enlistment as an E-3 and that he enlisted for six years to be entitled to enlistment at the advanced pay grade. However, the Coast Guard apparently erred by inputting his rank as E-1 upon enlistment.
3. According to the Coast Guard's advisory opinion, the applicant's assignment to "A" School may have been delayed because of his erroneous rank. Therefore, the Board should direct the Coast Guard to adjust that and any other matters that may have been negatively affected by the applicant's enlistment as an E-1 instead of an E-3.
4. Accordingly, the relief recommended by the Coast Guard should be granted.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

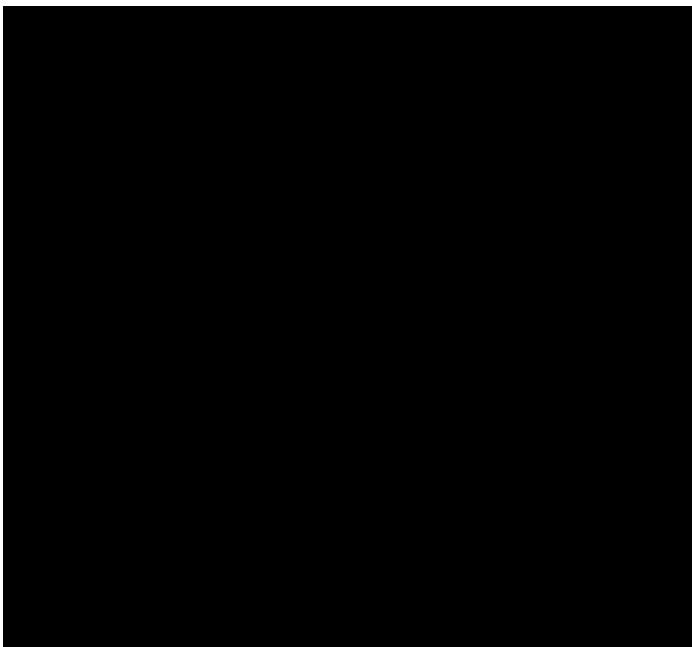
ORDER

The application of SA xxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is granted.

The Coast Guard shall correct his record to show that he enlisted in pay grade E-3 on December 2, 2008.

The Coast Guard shall review other matters that may have been delayed or negatively affected by his enlistment as an E-1 instead of an E-3, such as his possible placement on an "A" School list, and shall adjust his records and status as if he had been enlisted as an E-3 on December 2, 2008.

The Coast Guard shall pay him any amount he may be due as a result of these corrections.



*The third member of the Board was unavailable. However, pursuant to 33 C.F.R. § 52.11(b), two designated members constitute a quorum of the Board.