


**DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 43-96

FINAL DECISION ON RECONSIDERATION


This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on December 11, 1995, by the filing of a request for reconsideration with the BCMR.

This is the final decision on reconsideration, dated February XX, 1997. It is signed by the three duly appointed members who were designated to serve as the Board in this case.

BCMR APPLICATION No. 43-96

In the applicant's current application, he asked the BCMR to reconsider its decision in BCMR Docket No. 23-95. He stated that he had wanted to extend his enlistment for a 6-year period, and not a 5-year period. He asked the BCMR to correct his record to show that his February 14, 1982 extension was for 6 years and not 5 years.

SUMMARY OF BCMR Nos. 241-91 and 23-95

In BCMR No. 241-91, issued January 17, 1992, the BCMR denied the applicant's request for a Zone A selective reenlistment bonus (SRB) under ALDIST 004/82, a Coast Guard order issued January 3, 1982.

In BCMR No. 23-95, the BCMR reversed its decision in No. 241-91, and granted the applicant's request for a Zone A SRB. The BCMR found that the applicant had not been informed of the provisions of ALDIST 004/82, as required by the SRB provisions published at the time in COMDTINST 7220.13E. The Board determined that had the applicant been properly advised of the provisions of ALDIST 004/82, and of his eligibility for an SRB, then he would have

requested a five-year extension. Therefore, the Board ordered that the applicant's record be corrected to show that on February 14, 1982, he requested a five-year extension to his enlistment, which made him eligible for a Zone A SRB under ALDIST 004/82.

VIEWS OF THE COAST GUARD

On December 16, 1996, the Coast Guard recommended that the applicant's request be denied. The Coast Guard stated that the result in BCMR No. 23-95 granting the applicant a 5-year extension had been an error. The Service stated that one of the requirements of eligibility for the SRB under ALDIST 004/82 was that in order to extend or reenlist for over four years, the member had to meet "specific criteria for a preferred reenlistment."*

The Coast Guard stated that the provisions of Article 12-B-4 of the Coast Guard Personnel Manual (CG-207), in effect when ALDIST 004/82 was issued, stated that a member was only eligible for preferred reenlistment if he was at pay grade E-5 or above. The Coast Guard stated that when ALDIST 004/82 was issued, the applicant was a fireman/machinery technician (FNMK) at pay grade E-3.

The Service stated that the applicant was not an E-5 when ALDIST 004/82 was distributed, and therefore was only eligible for a maximum four-year extension. The Coast Guard stated that the BCMR erred in extending the applicant for 5 years, but that the record should stand as it is.

RELEVANT REGULATIONS AND SRB PROVISIONS

In ALDIST 004/82, the Commandant of the Coast Guard stated that it was his intention to reward those members who were consistently high performers according to their performance evaluations by giving them the option to reenlist or extend their enlistments to a maximum of six years. The Commandant stated that the satisfactory performer could reenlist or extend for a maximum of four years. Eligibility for the six-year extension option was described in the rules for preferred reenlistment, in Article 12-B-4 (CG-207).

Article 12-B-4 stated, in pertinent part, that those members who sought preferred reenlistment, such as the option to extend or reenlist up to six years offered by the Commandant in ALDIST 004/82, had to satisfy certain criteria. Such members must have been in service as a petty officer second class (pay grade E-5) or above, or, if the member was a petty officer third class (pay grade

* The requirements for preferred reenlistment applied to the provisions of eligibility for selective reenlistment bonuses in cases where the members were requesting the maximum available extension of six years under ALDIST 004/82.

E-4), the member must have been above the cutoff value on the then current advancement eligibility list. The members meeting that criteria were allowed to extend for a maximum period of six years.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the decisions in BCMR Nos. 23-95 and 241-91, the Coast Guard's submission, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10, United States Code. The application was timely.

2. In BCMR Docket No. 23-95, the Board corrected the applicant's record to show that he received a 5-year extension of his enlistment which made him eligible for a Zone A selective reenlistment bonus (SRB) under the provisions of ALDIST 004/82. In his current application, the applicant requested that his record be corrected to show that he extended for 6 years instead of 5 years in February, 1982; such a correction would result in an additional monetary award to the applicant.

3. In reviewing the SRB provisions as presented in COMDTINST 7220.13E, ALDIST 004/82, and Article 12-B-4 (CG-207), the Board has determined that the correction the BCMR authorized to the applicant's record in No. 23-95 was made in error. At the time of the implementation of ALDIST 004/82, the applicant was an FNMK, pay grade E-3. The provisions of Article 12-B-4(b)(2)a. (CG-207), in effect during the period of applicability of ALDIST 004/82, stated that a member seeking a reenlistment or extension over four years, must meet the standards for a preferred reenlistment, which included the requirement that the member be at pay grade E-5, or at pay grade E-4 and above the cutoff on the E-5 advancement eligibility list at that time.

4. The applicant met neither of these requirements in February, 1982, and therefore, would only have been permitted to extend for four years under ALDIST 004/82. Therefore, the Board is unable to satisfy his request to correct his record to reflect a six-year extension.

5. In the interest of justice, the Board should let the record stand as it is.

6. Accordingly, the requested relief should be denied.

ORDER

The application on reconsideration for correction of the military record of
USCG), is denied.

