

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 1998-012

FINAL DECISION

[REDACTED]

This proceeding was conducted according to the provisions of section 1552 of title 10, United States Code. It commenced upon the BCMR's receipt of the applicant's application on October 21, 1997.

This final decision, dated August 27, 1998, is signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED

The applicant, a machinery technician first class (MK1) in the United States Coast Guard, asked the Board to correct his military record to show that he had extended his enlistment or reenlisted in February 1982 for a period of 6 years, so that he could receive a Zone A Selective Reenlistment Bonus (SRB) with a multiple of four pursuant to ALDIST 340/81 and ALDIST 004/82.

APPLICANT'S ALLEGATIONS

The applicant alleged that, in 1982, the Coast Guard failed to counsel him concerning his eligibility under ALDIST 004/82 to receive an SRB with a multiple of four if he extended his then-current enlistment for between three and six years. He alleged that, had he been so counseled, he would have taken advantage of the opportunity to receive the SRB.

FAILURE TO COMPLETE APPLICATION

The error the applicant has alleged, if true, occurred more than 15 years before he filed his application with the BCMR. In filling out his application for correction (DD Form 149), however, the applicant left blocks 11.a. and 11.b. blank. Thus, he did not inform the Board of the date he discovered the error he has alleged, the circumstances

of the discovery, or why he thinks it is in the interest of justice for the Board to consider his application if more than three years have passed since the date of discovery.

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 concerning this matter pursuant to section 1552 of title 10, United States Code.

2. The Board's statute of limitations provides that "[a]n application for correction of a record must be filed within three years after the applicant discovered or reasonably should have discovered the alleged error or injustice. If an application is untimely, the applicant shall set forth reasons in the application why its acceptance is in the interest of justice. An untimely application shall be denied unless the Board finds that sufficient evidence has been presented to warrant a finding that it would be in the interest of justice to excuse the failure to file timely." 33 CFR 52.22.

3. The applicant filed his application more than 15 years after ALDIST 004/82 was issued. However, on his application, the applicant failed to provide answers in blocks 11.a. and 11.b., which require the applicant to indicate when he discovered the error or injustice and why, if that date is more than three years prior to his filing, it is in the interest of justice for the Board to consider his case.

4. With no answers provided in blocks 11a and 11b, it is impossible for the Board to determine whether the applicant has filed within three years of his discovery of the error and, if not, why it would be in the interest of justice for the Board to consider the application despite its untimeliness.

5. Accordingly, the applicant's request should be denied. However, if the applicant applies to the Board for reconsideration of his request within 60 days of the date of this final decision, and if his application for reconsideration is complete, with all answers provided, the Board will docket and reconsider his application.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application for correction of the military record of [REDACTED] [REDACTED] is hereby denied. However, if the applicant applies for reconsideration of his request within 60 days of the date of this final decision, and if his application for reconsideration is complete, with all answers provided, the Board will docket and reconsider his application.

[REDACTED]