

DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of  
Coast Guard Record of:

BCMR Docket  
No. 1998-49

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on July 21, 1998, upon the BCMR's receipt of the applicant's request for correction.

This final decision, dated January 28, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a food service specialist third class (FS3; pay grade E-4), asked the Board to correct his record by changing his April 14, 1997, reenlistment into an extension of enlistment so that he would be eligible for a Zone A selective reenlistment bonus (SRB).

EXCERPTS FROM THE RECORD AND SUBMISSIONS

In support of his application, the applicant stated the following: "I was never counseled on the pros and cons of a reenlistment or an extension. I never signed a CG-3307 acknowledging [SRB counseling]. If I had been counseled, I would have decided to extend rather than reenlist. At the time, an extension would have allowed me to utilize the Selective Reenlistment Bonus offered 1 Oct 1997. I was unaware that I could place another extension on top of an already existing extension."

On July 20, 1993, the applicant enlisted in the Coast Guard for four years. This enlistment was due to expire on July 19, 1997. Prior to its expiration, the applicant extended it for 15 additional months, on October 6, 1995. With this extension, the applicant's enlistment was due to expire on October 19, 1998. In his agreement to extend his enlistment, the applicant made the following acknowledgment:

I have been provided with a copy "SRB Questions and Answers" based on Commandant Instruction 7220.33 (series). I have been informed that: My current Selective Reenlistment Bonus (SRB) multiple under Zone NA is NA and is listed in ALDIST NA, which has been made available for

review. I further understand the eligibility requirements for Zone A, B, and C SRB's and that the maximum SRB paid to my current pay grade is \$ NA. My SRB will be computed based on NA months newly obligated service.

After executing the extension, in order to accept permanent change of station (PCS) orders, the applicant had to obligate himself for an additional period of active duty. On April 14, 1997, the applicant canceled the 15 month extension and reenlisted for four years.

### **Views of the Coast Guard**

The Chief Counsel of the Coast Guard recommended that the applicant's request for correction be denied.

The Chief Counsel stated that there was no SRB multiple in effect for the FS rating on April 14, 1997, when the applicant reenlisted for four years. In fact, according to the Chief Counsel, there was no SRB multiple for the FS rating from the date of the applicant's reenlistment (April 14, 1997) until the date that his first enlistment would have expired (July 19, 1997) if he had not reenlisted early.

The Chief Counsel stated that ALDIST 226/97, dated September 30, 1997, announced a SRB with a multiple of 1 for the FS rating, effective October 1, 1997. According to the Chief Counsel, the applicant could not qualify for this SRB under any scenario. The Chief Counsel recommended that the Board deny relief for failure of proof.

The Coast Guard submitted a sworn statement from a lieutenant junior grade (LTJG) who had presided over the August 1997 SRB board (this board determined which rating would receive SRB multiples during the period in question). The LTJG stated that the information contained in ALDIST 226/97 authorizing the multiple for the FS rating was a secret to everyone except his supervisor and himself. The LTJG further stated that the "conclusion [of the SRB board] was released to the field in ALDIST 226/97 on 30 September 1997. Before this message no one in the field knew the board's final decision."

### **Applicant's Response to the Views of the Coast Guard**

A copy of the Coast Guard views was sent to the applicant on January 6, 1999. The applicant was told that he could submit a response to them. He did not submit a response.

### EXCERPTS FROM THE SRB INSTRUCTION

According to para. 3.a.(4), COMDTINST 7220.33, one of the eligibility requirements for a Zone A SRB is that the member "[b]e serving in pay grade E-3 (with appropriate designator), or higher, on active duty in a rating that is designated as eligible for an SRB multiple."

Paras. 3.d. (4), (5) and 11 state the following:

(4) Only extensions/reenlistments of 3 years or longer may be used to establish eligibility for SRB. Specifically, two or more extensions may not be combined to establish SRB eligibility. . . . Qualified members "lock into" SRB multiples and bonus ceilings that are in effect at the time an extension agreement is executed.

(5) Under no circumstances will an individual be permitted to extend their enlistment more than 3 months early for SRB purposes alone.

\* \* \* \* \*

(11) Entitlement to SRB multiple and bonus ceiling is established on the actual date of reenlistment or the date the member executes an Agreement to Extend Enlistment by signing Form CG-3310B. Entitlement to any Zone of SRB is established only on the date the member reenlists or the extension become operative." (Emphasis in instruction.)

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's submissions, the Coast Guard's submission, the military record of the applicant, 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. The SRB instruction clearly states that entitlement to an SRB multiple is established on the actual date of reenlistment or the date the member executes an agreement to extend. During the periods in question, there is no way the applicant would have been eligible for the October 1997 SRB.

3. There was no multiple in effect for food service specialists on October 6, 1995, (the date of the applicant's extension) or on April 14, 1997, the date the applicant canceled his extension and reenlisted for four years..

4. In September 1997, after the applicant's reenlistment on April 14, 1997, ALDIST 226/97 was issued announcing a multiple for the FS rating. This multiple did not become effective until October 1, 1997. There was no way for the applicant's command to know, in either October 1995 or April 1997, that the FS rating would be included in a September 1997 message authorizing SRB multiples. The decision of the August 1997 SRB board on which ratings would receive SRB multiples was a secret to everyone in the field until released by the Commandant on September 30, 1997.

5. Even if the applicant had continued on his original enlistment, with the 15 month extension, he still would not have been eligible for the October 1997 SRB multiple. His original four year enlistment was due to expire on July 19, 1997, and the extension of that enlistment would have become operative (begun to run) on July 20, 1997. According to Article 1.G.19 of the Personnel Manual, "[a]n extension of enlistment may not be canceled after it begins to run, either for the convenience of the Government or the person concerned." Therefore the applicant could not have canceled that extension, once it became operative, to take advantage of the October 1997 SRB multiple. Additionally, SRB regulations state that entitlement to the SRB multiple is established on the actual date of the reenlistment or the date the extension agreement is signed, neither of which in this case occurred on or after October 1, 1997 (the date the SRB multiple became effective).

6. The applicant has failed to show how counseling on the difference between an extension of enlistment and a reenlistment would have changed his circumstances with respect to being eligible for the October 1997 SRB multiple.

7. Moreover, the Board notes that the applicant should have been familiar with the difference between an extension of enlistment and a reenlistment, since he had experience with both. He opted to extend his enlistment in October 1995 and to reenlist in April 1997. He has offered no evidence to show that he had any concerns about the differences between these two types of commitments at the times he entered into them.

8. The applicant has failed to demonstrate an error or injustice in this case.

9. Accordingly, his application should be denied.

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ORDER

The application of I  
his military record is denied.

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