

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 1998-050

FINAL DECISION

[REDACTED]

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on January 26, 1998, upon the BCMR's receipt of the applicant's request for correction.

This final decision, dated October 8, 1998, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a boatswain's mate third class (BM3; pay grade E-4) asked the Board to correct her record to show that she reenlisted on July 1, 1997, rather than on June 30, 1997, so that she would be eligible to receive a Zone A selective reenlistment bonus (SRB).

EXCERPTS FROM THE RECORD AND SUBMISSIONS

The applicant stated that she was improperly counseled by the unit's yeoman (YN) that she would be eligible for a Zone A SRB if she enlisted by June 30, 1997. The applicant reenlisted on June 30, 1997. One of the clauses in the enlistment contract reads as follows: "MBR IS ELIGIBLE FOR ZONE "A" SRB IAW ALDIST 135/97, MULTIPLE OF ONE."

The applicant was advised in an April 2, 1997 message that she had been approved for reenlistment by the CFTRR (centralized first term reenlistment review) panel. She was told that she needed to reenlist within 90 days of the date of that message. The YN calculated that this was June 30, 1997.

On June 5, 1997, the Commandant issued ALDIST 135/97 announcing an SRB effective July 1, 1997.

On June 27, 1997, the Commandant recognized the conflict that existed between the CFTRR message and the SRB message in that the 90-day reenlistment period would

occur before the effective date of the SRB. Therefore, he issued ALDIST 154/97 giving CFTRRs until August 1, 1997, to reenlist to obtain the SRB.

The Superintendent of the Coast Guard Academy, the applicant's commanding officer (CO), stated that the applicant had received incorrect information from one of the unit's yeoman. He stated that the yeoman had misunderstood the June 27, 1997, ALDIST. He recommended that the applicant be granted the relief she requested.

Views of the Coast Guard

On July 6, 1998, the chief counsel recommended that the applicant receive relief. He stated that on June 30, 1997, the applicant exercised her option to reenlist for 3 years in the rate of BM3 (pay grade E-4) to meet the obligated service requirement of CFTRR. He further stated that the reenlistment contract and the CO's statement support the following findings:

(1) Applicant was misinformed regarding her eligibility for an SRB by Coast Guard personnel responsible for providing her this information; (2) that she reasonably relied on that information; and (3) that had these errors not occurred, she would have reenlisted on 1 July 1997. The reenlistment document should be corrected to indicate reenlistment effective 1 July 1997.

Applicant's Response to the Views of the Coast Guard

On July 28, 1998, the Board received the applicant's reply to the Coast Guard views. She stated that she agreed with the Coast Guard's recommendation.

SELECTED EXCERPTS FROM THE SRB INSTRUCTION

Para. 3.d.(11), COMDTINST 7220.33 (SRB Instruction), states as follows:

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 Board finds that the applicant was erroneously advised by her unit yeoman that she would receive an SRB, pursuant to ALDIST 135/97, with an effective date of July 1, 1997, if she reenlisted on June 30, 1997. Pursuant to the SRB regulation, the eligibility for an SRB is established on the date of reenlistment or the date an extension is signed. On the day the applicant reenlisted, there was no SRB in effect and she was not eligible for the SRB under ALDIST 135/97.

3. The Coast Guard committed an error in this case.

4. The Board finds that the applicant's record should be corrected to show that she reenlisted on July 1, 1997, rather than June 30, 1997, for a period of three years.

5. Accordingly, the applicant's request should be granted.

ORDER

The application of her military record is granted. The reenlistment agreement, signed by the applicant on June 30, 1997, for a period of three years shall be corrected to show that she reenlisted on July 1, 1997 for a period of three years. She shall receive a Zone A SRB with appropriate multiple. The Coast Guard shall pay the applicant the amount due her as a result of this correction.

USCG, for correction of

