


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

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 1998-060

FINAL DECISION


This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on February 25, 1998, upon the BCMR's receipt of the applicant's request for correction.

This final decision, dated February 11, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, an electrician's mate second class (EM2; pay grade E-5), asked the Board to correct his record to show that he reenlisted on January 6, 1998 (his 10th-year anniversary date) for six years so that he would be eligible for an selective reenlistment bonus (SRB), in accordance with ALDIST 226/97.

Prior to enlisting in the Coast Guard, the applicant spent approximately seven years in the Navy. On January 7, 1992, he enlisted in the Coast Guard for four years. On November 15, 1995, the applicant reenlisted in the Coast Guard for three years.

EXCERPTS FROM THE RECORD AND SUBMISSIONS

The applicant stated that he was not counseled, prior to his tenth year anniversary date (January 6, 1998), that he could request an early discharge and immediate reenlistment for the purposes of obtaining an SRB. He stated that he did not realize that such a reenlistment would have enabled him to receive a Zone B SRB for electrician's mates that was in effect at that time. He asserted that if had been counseled, he would have requested reenlistment for six years in order to receive a bonus of \$4,443.00.

The applicant stated that his military record does not contain any administrative remarks (page 7) entries showing that he was counseled by a career information specialist.

Views of the Coast Guard

On January 5, 1999, the Board received an advisory opinion from the Chief Counsel of the Coast Guard. The Chief Counsel recommended that the Board grant relief to the applicant.

The Chief Counsel stated that the applicant was not properly counseled on his eligibility for an SRB prior to his tenth year anniversary date, pursuant to COMDTINST 7220.33. The Chief Counsel stated at that time the SRB multiple for electrician's mates, like the applicant, was 1/2. The Chief Counsel further stated, as follows:

Applicant should have been counseled on his eligibility to receive an early discharge from his current enlistment to reenlist for up to 6 years for an SRB. There is no evidence in the record this counseling ever took place.

The Chief Counsel stated that the applicant's statement that he would have reenlisted for six years to obtain an SRB represents the necessary consideration for the SRB. The Chief Counsel also noted that once the applicant discovered the error, he promptly filed a BCMR application, which was prior to the expiration of the pertinent Zone B SRB multiple.

Applicant's Response to the Views of the Coast Guard

On January 21, 1999, a copy of the views of the Coast Guard was sent to the applicant. The applicant was informed that he could respond to them, but no response was received from him.

APPLICABLE REGULATIONS

Enclosure (1) to COMDTINST 7220.33, Section 3.b.(3), states, in pertinent part, as follows: "Members with exactly 10 years active duty on the date of reenlistment or operative date of extension will be entitled to the Zone B multiple in effect for their rating if they are otherwise eligible. . . ."

Section 3.d.(9) states, in pertinent part, as follows: "Commanding officers are authorized to effect early discharge and reenlist members within 3 months prior to their 6th, 10th, or 14th year active service anniversary dates (not to be confused with the normal expiration of enlistment), for the purpose of qualifying for a Zone A, B, or C SRB respectively."

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's submissions and military record, 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 is timely.

2. The Board finds, and the Coast Guard admits, that the applicant was not properly counseled, that prior to his tenth year service anniversary date, he could have received an early discharge from his current enlistment, in order to be immediately reenlisted for up to six years to obtain a Zone B SRB. Para. 3.d. (9), COMDTINST 7220.33.

3. January 6, 1998, was the applicant's tenth year anniversary of military service. There was an SRB multiple of 1/2 in effect on that date for members in the EM rating. This SRB multiple became effective on October 1, 1997, and was in effect on January 6, 1998. The applicant was eligible for this SRB.

4. Accordingly, the applicant's request should be granted. The Board finds that the applicant's record should be corrected to show that he reenlisted for six years on January 6, 1998, his tenth year anniversary date, for the purposes of obtaining a Zone B SRB.

ORDER

The application of [REDACTED] USCG, for correction of his military record is granted. His record shall be corrected to show that he was discharged on January 6, 1998, and immediately reenlisted on the same date for a period of six years to obtain a Zone B SRB with appropriate multiple. The Coast Guard shall pay the applicant the amount due him as a result of this correction.

