


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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 1998-064

FINAL DECISION


This is a proceeding under the provisions of section 1552 of title 10 of the United States Code. It was commenced upon the BCMR's receipt of the applicant's application on March 3, 1998.

This final decision, dated January 28, 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 boatswain's mate second class (BM2) on active duty in the Coast Guard, asked the Board to correct his military record to show that he had reenlisted for six years on July 1, 1997. The correction would entitle him to receive a Selective Reenlistment Bonus (SRB) pursuant to ALDIST 135/97.

APPLICANT'S ALLEGATIONS

The applicant alleged that on July 1, 1997, he was serving under an extension of his previous enlistment contract, which was due to end in June 1998. In June 1997, however, he was wrongly advised that he could not cancel his extension to reenlist and receive a Zone A SRB under ALDIST 135/97. In fact, under the terms of ALDIST 135/97, he was eligible to cancel his extension and reenlist on July 1, 1997, to receive the Zone A SRB.¹ By the time he discovered the error, on December 12, 1997, it was too late

¹ SRBs vary according to the length of each member's active duty service, the length of the period of reenlistment or extension of enlistment, and the need of the Coast Guard for personnel with the member's particular skills. Coast Guard members who have served between 21 months and 6 years on active duty are in "Zone A," while those who have more than 6 but less than 10 years of active duty

for him to receive the Zone A SRB because he had already completed six years of service in the Coast Guard. The applicant submitted signed endorsements from both the officer in charge of his station and his group commander, who supported his allegations and recommended that the applicant's record be changed.

IEWS OF THE COAST GUARD

On January 12, 1999, the Chief Counsel of the Coast Guard recommended that the Board grant the applicant's request.

The Chief Counsel explained that July 1, 1997, was the applicant's six-year anniversary in the Coast Guard. Under Section 3.d.9. of Enclosure (1) to COMDTINST 7220.33, he was eligible on that day "to receive an early discharge and be reenlisted for up to 6 years . . . for the purpose of qualifying for a Zone 'A' SRB."

The Chief Counsel stated that the evidence presented by the applicant supports his assertion that he was improperly counseled. In addition, he pointed to the fact that the applicant promptly took appropriate action upon discovering the error and was willing to reenlist for six years.

SUMMARY OF THE RECORD

On July 1, 1991, the applicant enlisted in the Coast Guard for four years. On February 16, 1995, he extended his enlistment for three years, through June 30, 1998.

On December 12, 1997, the applicant wrote a letter to the Commander of the Personnel Command stating that he had been improperly counseled in June 1997 regarding his eligibility for an SRB under ALDIST 135/97. He stated that he did not discover that there may have been an error until his executive petty officer asked him on November 9, 1997, why he had not applied for the SRB. On December 12, 1997, he confirmed the fact that he had been eligible during a telephone conversation with his PERSRU. The applicant asked the Personnel Command to make the requisite change in his record.

On January 6, 1998, the applicant's executive petty officer wrote a first endorsement to the applicant's letter. The endorsement states that the applicant was improperly counseled regarding his SRB eligibility in June 1997 and that the PERSRU contacted the applicant on December 12, 1997, to advise him of his former eligibility.

On January 26, 1998, the applicant's group commander wrote a second endorsement to the applicant's letter. The endorsement recommended approval of the applicant's request.

service are in "Zone B." On July 1, 1997, the applicant was still in Zone A. Members may not receive more than one bonus per zone.

APPLICABLE REGULATIONS

Section 3.d.9. of Enclosure (1) to COMDTINST 7220.33 states 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.

ALDIST 135/97, issued in June 5, 1997, established SRBs for personnel in certain skill ratings who reenlisted or extended their enlistments on or after July 1, 1997. The multiple to be used for calculating SRBs for members in the BM2 rating was one.

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. The application was timely.
2. The applicant alleged that he was wrongly counseled in June 1997 regarding his eligibility for a Zone A SRB under ALDIST 135/97. He alleged that if he had been properly counseled, he would have canceled his extension and reenlisted for six years on July 1, 1997, to receive the Zone A SRB for his rating. The applicant submitted two signed statements supporting his allegations.
3. The Chief Counsel of the Coast Guard recommended that the Board grant the requested relief.
4. The Board finds that because on July 1, 1997, the applicant was within three months of his six-year anniversary, he was eligible to be discharged and reenlisted for the purpose of receiving a Zone A SRB. Section 3.d.9., Enclosure (1), COMDTINST 7220.33. Under ALDIST 135/97, the applicant, as a BM2, would have received a Zone A SRB with a multiple of one if he had been discharged and immediately reenlisted on July 1, 1997.
5. The Board finds that if the applicant had been properly counseled, he would have canceled his extension and reenlisted for six years on July 1, 1997.
6. The Coast Guard erred by improperly counseling the applicant about his SRB eligibility under ALDIST 135/97. It is unjust for the applicant not to receive an SRB because of this error.
7. Therefore, the applicant's request should be granted.

ORDER

The application for correction of the military record of JSCG, is hereby granted. His record shall be changed to show that, on July 1, 1997, he was discharged and immediately reenlisted for a period of 6 years for the purpose of obtaining a Zone A SRB. The Coast Guard shall pay the applicant the sum he is due as a result of this correction.

