


DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS

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Application for Correction  
of Coast Guard Record of:

BCMR Docket  
No. 1998-076

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**FINAL DECISION**

  
This is a proceeding under the provisions of § 1552 of title 10 and § 425 of title 14, United States Code. It was commenced on May 4, 1998, upon the BCMR's receipt of the applicant's request for correction of his military record.

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

**RELIEF REQUESTED**

The applicant asked to be paid a Selective Reenlistment Bonus (SRB).

The applicant believed that the Coast Guard treated him unjustly by giving him no counseling on reenlistment and by failing to inform his command of his six year anniversary date.

The failure to inform his command of his six year anniversary date prevented him from receiving timely reenlistment counseling on SRB eligibility. Because of the failure, moreover, he did not receive his SRB when he reenlisted on December 18, 1997. In early December of 1997, he was informed by his yeoman that he should have reenlisted on his six year anniversary date, which was September 6, 1997.

The applicant said that "historically this command has never been provided with members anniversary dates, thus there has been no counselling program. . . . I knew that the SRB was available and had every intention of reenlisting on my

enlistment expiration date of 14 January 1998 under the assumption that I would be eligible if I reenlisted on that date. I now know after the fact that I should have have reenlisted on my anniversary date instead of my expiration date. Surely if I had received counselling on this matter I would not be submitting this request because I would have reenlisted on the appropriate date."

### VIEWS OF THE COAST GUARD

On January 21, 1998, the applicant's officer in charge (OIC) said that the applicant was eligible for an SRB at his six year anniversary date of September 6, 1997, but "[u]nbeknownst to [him] his reenlistment after his anniversary date made him ineligible to receive an SRB" (emphasis added). The OIC said the applicant "was not counseled by this command" which had "no idea" that the anniversary date could be before the end of enlistment date. According to the OIC, the unit does not receive anniversary date information from the Coast Guard. He criticized this policy, saying that the command has "an obligation to properly counsel the member regarding his entitlements." "Had this unit known about [the applicant's] anniversary date prior to it's expiration we would have counseled the member " and he would have reenlisted timely "and received his SRB as entitled." The OIC accordingly recommended that the applicant be paid an SRB

On January 13, 1999, the Commander of the Coast Guard Personnel Command (CGPC) recommended that relief be granted to the applicant. CGPC recommended that the applicant's record be corrected to show that he reenlisted for four years from his anniversary date, September 6, 1997, instead of from his EOE date [end of enlistment], December 18, 1997. CGPC said that the applicant's command was not aware that the applicant's anniversary date was not the same as his reenlistment date. CGPC concluded as follows: "Had the applicant known that he needed to reenlist on his anniversary date for the SRB, he would have done so. Had the command known prior to his reenlistment, when his anniversary date was, they would have counseled him to do so."

On January 28, 1999, the Chief Counsel of the Coast Guard submitted the advisory opinion of the Coast Guard. The Chief Counsel recommended that the Board "grant the relief requested." The Chief Counsel said the applicant's command did not inform the applicant of his reenlistment option because it was unaware of the applicant's prior service time. Also, there was no evidence indicating that the applicant had ever been counseled on SRBs. He had, however, acted promptly to rectify the error.

### APPLICANT'S RESPONSE TO THE COAST GUARD VIEWS

On January 29, 1999, a copy of the advisory opinion of the Coast Guard was sent to the applicant. On February 10, 1999, the applicant notified the Board that the case was ready for decision.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions of the applicant and the Coast Guard, 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 applicant was entitled to an SRB on his six year anniversary in the Coast Guard. That anniversary fell on September 6, 1997.
3. The applicant believed that he was entitled to an SRB on his EOE date, which fell on December 18, 1997.
4. The applicant's anniversary date was not the same as his reenlistment date. The command was not aware of this prior to his anniversary date.
5. The applicant's command was not aware of the applicant's six year anniversary date. Had the applicant known that he needed to reenlist on this date for the SRB, he would have done so. Had the command known when his anniversary date was, they would have counseled him to reenlist.
6. The applicant has established that the Coast Guard committed an error or injustice with respect to his anniversary date by not counseling him as to SRB requirements, as mandated by Coast Guard regulations.
7. Accordingly, the application should be granted.

**ORDER**

The application to correct the military record of  
. USCG, is granted.

