


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

Application for Correction of
Coast Guard Record of:

BCMR Docket No. 1998-096

FINAL DECISION


This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14, United States Code. It was commenced on July 23, 1998, upon the BCMR's receipt of the applicant's request for correction of his military record.

The final decision, dated April 22, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant alleged that he should have received counseling on his eligibility for an SRB on his 6th year active duty anniversary date.

APPLICANT'S STATUS AND REQUEST FOR RELIEF

The applicant enlisted on active duty in the Coast Guard on February 24, 1992, for four years. His end of enlistment date was February 24, 1996. On November 24, 1995, he reenlisted for 3 years, which changed his end of enlistment date to November 24, 1998.

The applicant alleged that he did not receive a page 7 entry three months prior to the end of his enlistment. (Three years prior to the end of enlistment on November 24, 1995, he did not receive a notice stating that he was not eligible for a selective reenlistment bonus (SRB)).

The applicant alleged that he "did not receive counseling" or a page 7 entry prior to his 6th year active duty anniversary date (24FEB98)." The Chief Counsel declared that the applicant had presented no proof to support his contention that he did not receive this information and had never been counseled on SRBs in his CG career.

A page 7 entry authorization was dated on October 23, 1995, recommending the applicant for reenlistment. "You have been counselled that failure to extend reenlist for 03 years prior to 11DEC 95 will result in revocation of the reenlistment authorization . . ."

VIEWS OF THE COAST GUARD

The Chief Counsel of the Coast Guard recommended that the Board grant some SRB relief.

The applicant's end of enlistment date took place on November 24, 1998. Nine months earlier, on February 24, 1998, the applicant celebrated his "6th year enlistment anniversary." The applicant was eligible to reenlist on that date for SRB purposes. The Chief Counsel said that the applicant's SRB eligibility time must be reduced by this 9 months of the second enlistment.

On February 24, 1998, there was a Zone A SRB with a multiple of 1/2 under ALDIST 226/97. The applicant cannot establish SRB eligibility for the entire 48 month period of the reenlistment. The Chief Counsel said that an SRB is only paid for additional obligated service, which means that the applicant may be paid only for the 39 month period.

The applicant did not receive information about his right to reenlist on his 6-year anniversary.

RESPONSE OF THE APPLICANT TO THE VIEWS OF THE COAST GUARD

On March 25, 1999, a copy of the views of the Coast Guard was sent to the applicant along with a letter encouraging him to respond to the views of the Coast Guard within 15 days of the letter.

On April 19, 1999, the Board was notified by the applicant that he has "no objections to the Coast Guard's recommendations to partial relief in this case."

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 of the case pursuant to section 1552 of title 10, United States Code.

2. The application was timely.

3. The applicant enlisted in the Coast Guard on February 24, 1992, for four years. On November 24, 1995, the applicant reenlisted in the Coast Guard for 3 years. His end of enlistment date changed to November 24, 1998.

4 The applicant did not receive information telling him of his right to reenlist on his 6th year active duty anniversary. There is no proof that applicant had ever been counseled on it during his Coast Guard career. The record shows that the applicant took prompt and appropriate action to correct the error after its discovery.

5. The Coast Guard recommended relief to the applicant., but it did not recommend SRB eligibility for the entire 48 months. The applicant's eligibility time must be reduced by 9 months of the SRB second enlistment. "The applicant "may be paid only for the 39 month period extending from 24 Nov 1998 to 23 Feb 2002."

6. Accordingly, relief should be granted as provided.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application to correct the military record of
USCG is granted, as follows: The Coast Guard shall grant a Zone A SRB with a
multiple of 1/2 for a period of 39 months.

