

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

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Application for Correction  
of Coast Guard Record of:

**BCMR Docket No. 1998-101**

**FINAL DECISION**

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This is a proceeding under the provisions of section 1552 of title 10, and under the provisions of section 425 of title 14, United States Code. It was commenced on August 3, 1998, upon the BCMR's receipt of the applicant's request for correction of his military record.

The final decision, dated May 20, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICANT'S REQUEST FOR RELIEF**

The applicant alleged that he wished to extend for 8 months as he originally planned. He also alleged that he wished to cancel his enlistment contract "due to erroneous information [he] received about SRBs." The applicant also alleged that he was "improperly advised" on his available options if he wished "to continue [his] Coast Guard career."

The applicant alleged that on April 1, 1998, he had to extend his enlistment or reenlist in order to accept change of station orders (PCS). Although he was only required to extend for 8 months, he reenlisted for 6 years because he was advised that he would receive an SRB if he did so. However, he has since been told he was not eligible for an SRB.

### APPLICANT'S STATUS

The applicant enlisted in the Coast Guard on July 9, 1991 for 4 years. He reenlisted on July 9, 1995 for 3 years. The applicant's end-of-reenlistment date was July 8, 1998.

### VIEWS OF THE COAST GUARD

On April 8, 1999, the Chief Counsel of the Coast Guard recommended that the Board grant relief to the applicant in this case.

On April 1, 1998, according to the Chief Counsel, the applicant reenlisted for 6 years to meet the obligated service requirement (OBLISERV) to execute permanent change of station (PCS) orders. This reenlistment contract contained the following remark: "MBR ELIGIBLE FOR ZONE B SRB WITH A MULTIPLE OF 2."

The April 1, 1998 reenlistment contract, however, contained an erroneous provision which "was executed in error and should now be voided." It contained, according to the Chief Counsel, "an erroneous provision regarding [the applicant's] eligibility for a SRB."

The applicant asked to extend 8 months, in lieu of the erroneous contract. This extension will, according to the Chief Counsel, fulfill the obligated service requirement for the PCS orders executed on April 7, 1998. The Chief Counsel accordingly recommended that the applicant's request to extend for 8 months be granted.

On April 1, 1998, the applicant (who was then an E-4) was ineligible to reenlist for a Zone B SRB. A member "must be serving in the grade of E-5 or higher to receive a Zone B SRB." The applicant's April 1, 1998 reenlistment contract "is in error" because "the applicant was clearly not eligible for this SRB."

### OPINION OF THE DEPUTY GENERAL COUNSEL

The applicant alleged that he was "improperly advised" by the Coast Guard and was furnished "erroneous information." The Coast Guard agreed.

The remark in paragraph 8.b. . . . is in error because it states that Applicant was eligible for a Zone B SRB . . . when the Applicant was clearly not eligible for this SRB.

According to the opinion of the Deputy General Counsel (the Delegate of the Secretary) in BCMR No. 121-93, the Coast Guard has an obligation to counsel members of the Coast Guard. This decision cited four other decisions in which a member is required to be "fully advised" by the Coast Guard of SRB opportunities: BCMR No. 224-87, BCMR No. 263-87, BCMR No. 268-87, and BCMR No. 285-87.

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

On April 5, 1999, a copy of the advisory opinion of the Coast Guard was sent to the applicant. On April 16, 1999, the Board was notified by the applicant that "I am writing to inform the Board that I agree with its recommendation."

#### 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 "improperly advised" about his eligibility for a Zone B SRB. The Chief Counsel of the Coast Guard said the applicant was not in fact eligible for a Zone B SRB because it was not a high enough grade.
3. A member must be serving in the grade of E-5 or higher to receive a Zone B SRB. The applicant was only E-4 on April 1, 1998. Therefore, he was not eligible.
4. If the applicant's obligated service is extended 8 months, in lieu of the erroneous contact, the obligated service requirement will be fulfilled for the PCS orders executed on April 7, 1998.
5. The applicant was incorrectly advised that he was eligible for a Zone B SRB. This failure was error because the Coast Guard had a duty to keep members "fully advised" of relevant SRB opportunities, including non-opportunities. "Fully advised" inherently means properly advised.
6. The Coast Guard committed error and injustice in failing to properly advise the applicant regarding his eligibility to receive an SRB. Pursuant to BCMR Docket No. 121-93, the Board finds that the Coast Guard did not fully advise the applicant of his SRB opportunities. Accordingly, the application should be granted.

**ORDER**

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

The applicant's record shall be corrected to show that on April 1, 1998, he  
extended his enlistment to accept PCS orders. The reenlistment contract he signed  
on that date shall be null and void and removed from his record.

