


DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 1999-001

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 October 2, 1998, upon the Board's receipt of the applicant's request for correction of his military record.

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

RELIEF REQUESTED

The applicant requested "a Zone A SRB (selective reenlistment bonus) for 6-year active service anniversary on 1 September 1998."

The applicant alleged that he was counseled on April 20, 1998 that he was ineligible for a Zone A SRB. After that discussion, he asked "admin" again to find him eligible for an SRB. On an undisclosed date, he alleged that he was again told that he was ineligible for an SRB. (There is no record of either of these alleged rulings in the applicant's imaged military record.)

On September 3, 1998, the applicant alleged that he was "recounseled," by current administrative personnel, who concluded that he was in fact eligible for an SRB in accordance with COMDTINST 7220.33. (A page 7 entry dated September 8, 1998 regarding this counseling was included in his imaged military record.) The applicant said, however, that he was then, "two days" beyond his 6 year active service anniversary date [September 1, 1998].

APPLICANT'S COAST GUARD RECORDS

The applicant originally enlisted in the Coast Guard on September 1, 1992.

On March 29, 1996, the applicant extended his enlistment for a total of 3 years. He signed Form CG-3301B, thereby "acknowledg[ing] that [he] has been given the chance to review COMDTINST 7220.33 (series) concerning [his] eligibility for SRB and [has] had all my questions answered."

On September 8, 1998, the applicant signed a page 7 entry which was approved by direction of his CO. It included the following statements:

....

I am eligible to reenlist/extend my enlistment up to a maximum of 6 years. My SRB will be computed based on 60 months of newly obligated service.

I must reenlist on or 3 months prior to 98SEP01, which is my 6th active duty anniversary date in order to receive a zone A SRB.

....

APPLICABLE LAW

Enclosure (3) to COMDTINST 7220.33, dated 29DEC88, provides that the Coast Guard is required to issue a page 7 entry "within 3 months prior to their 6th, 10th or 14th active duty anniversary date."

According to the enclosure, the following statement must be signed by the member and his or her counselor as part of the required page 7 entry, within 3 months of such anniversary:

In accordance with article 12-B-4, CG Personnel Manual, I am eligible to reenlist/extend my enlistment for a maximum of ___ years. . . .

I must enlist on or 3 months prior to (date), which is my (6th/10th/14th) active duty anniversary date, in order to receive a Zone (A,B, or C) SRB.

VIEWS OF THE COAST GUARD

The Chief Counsel of the Coast Guard submitted an advisory opinion on July 8, 1999, recommending granting relief, even though more than 4 months have passed since the application was received by the Board.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions of the applicant, 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 be reenlisted on his six year anniversary in the Coast Guard for the purpose of obtaining an SRB. That anniversary fell on September 1, 1998.

3. Enclosure (3) to COMDTINST 7220.33 requires the Coast Guard to issue a page 7 entry "within 3 months prior to their 6th active duty anniversary" advising the applicant.

4. The only page 7 entry with respect to an SRB for the applicant was dated September 8, 1998, 7 days after his 6th year anniversary date. There is no provision that permits an applicant to reenlist after his 6th year anniversary date.

5. The Coast Guard committed an error by not issuing timely the required page 7 entry under Enclosure 3 to Commandant Instruction 7220.33. The Coast Guard's failure to properly counsel the applicant via a timely page 7 entry caused the applicant to miss the opportunity to obtain an SRB on his 6th year anniversary.

6. Accordingly, the application should be granted.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application to correct the military record [REDACTED] is granted. Such record shall be corrected to show that the applicant reenlisted on September 1, 1998 for 6 years for a Zone A SRB with an appropriate multiple. The Coast Guard shall pay the applicant the amount due him as a result of this correction.

