

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 1999-003

FINAL DECISION

[REDACTED]

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 425, United States Code. It was commenced on October 5, 1998, upon the BCMR'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.

The applicant, a telecommunication specialist third class (TC3; pay grade E-4), asked the Board to correct his record to show that he reenlisted on April 1, 1998, rather than on March 27, 1998, so that he would be eligible to receive a Zone A selective reenlistment bonus (SRB).

EXCERPTS FROM THE RECORD AND SUBMISSIONS

The applicant stated that he was improperly counseled by his command that if he reenlisted on March 27, 1998, he would receive a Zone A SRB, pursuant to ALDIST 046/98, although the SRB did not become effective until April 1, 1998. ALDIST 046/98 announced a multiple of one-half for members of the applicant's rate.

The applicant enlisted in the Coast Guard on May 9, 1994, for a period of four years. On September 21, 1995, he executed an extension for one month. The applicant's enlistment was due to expire on June 9, 1998. Therefore, the applicant was not obligated to reenlist on March 27, 1998, but could have reenlisted at any point from March 9, 1998, through June 9, 1998.

The applicant's commanding officer (CO) recommended that the Board correct the applicant's record. The CO stated that when the applicant arrived at his command on July 6, 1998, he inquired about the SRB payment. The CO stated that after some investigation it came to light that the applicant had reenlisted five days earlier than the effective date of the SRB. The CO stated that the applicant was misinformed with respect to his eligibility for the SRB.

Views of the Coast Guard

On July 6, 1998, the chief counsel recommended that the Board grant relief to the applicant. The Chief Counsel stated that there was no evidence in the applicant's service record that he had been counseled with respect to SRBs. He stated that ALDIST 046/98 was announced on March 2, 1998, approximately three weeks before the applicant reenlisted. According to the Chief Counsel, Coast Guard Personnel should have been aware of the ALDIST and should have advised the applicant not to reenlist until the SRB multiple became effective on April 1, 1998.

The Chief Counsel further stated as follows:

ALDIST 046/98 was promulgated 3 weeks before the date applicant reenlisted. This was sufficient time to notify applicant that delaying his reenlistment by 4 days would entitle him to an SRB. Even if there was no SRB in effect at the time Applicant expressed his desire to reenlist, the fact that an SRB was announced and came into effect should have been brought to applicant's attention, especially since applicant was not required to complete his reenlistment [until 9 June] 1998. Further, the applicant has provided the necessary consideration in return for the SRB and acted promptly prior to the expiration of ALDIST 046/98.

Applicant's Response to the Views of the Coast Guard

On July 9, 1999, the applicant telephoned the Board and stated that he agreed with the Coast Guard recommendation that he be granted relief.

SELECTED EXCERPTS FROM THE SRB INSTRUCTION

Para. 3.d.(11), COMDTINST 7220.33 (SRB Instruction), states as follows:

Entitlement to SRB multiple and bonus ceiling is established on the actual date of reenlistment or the date the member executes an Agreement to Extend Enlistment by signing Form CG-3310B. Entitlement to any Zone of SRB is established only on the date the member reenlists or the extension become operative." (Emphasis in instruction.)

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's submissions, the Coast Guard's submission, 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 Board finds that the applicant was erroneously advised by his unit that he would receive an SRB, pursuant to ALDIST 046/98, with an effective date of April 1, 1998, if he reenlisted on March 27, 1998. Pursuant to the SRB regulation, eligibility for an SRB is established on the date of reenlistment or on the date an extension is signed. On the day the applicant reenlisted, there was no SRB in effect for his rating.

3. At the time the applicant was given the erroneous advice, the pertinent ALDIST message had been published for approximately three weeks. The applicant's command should have known that for the applicant to be entitled to an SRB, a multiple must have been in effect at the time of his enlistment.

4. The Coast Guard committed an error in this case. The Chief Counsel agreed with the applicant that he is entitled to relief.

5. The Board finds that the applicant's record should be corrected to show that he reenlisted on April 1, 1998, rather than March 27, 1998, for a period of three years.

6. Accordingly, the applicant's request should be granted.

ORDER

The application of TC3 [REDACTED] USCG, for correction of his military record is granted. The reenlistment agreement, signed by the applicant on March 27, 1998, for a period of three years shall be corrected to show that he reenlisted on April 1, 1998 for a period of three years. He shall receive a Zone A SRB with the appropriate multiple. The Coast Guard shall pay the applicant the amount due him as a result of this correction. The extension signed by the applicant on September 21, 1995 is canceled.

