


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

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 1999-004

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 October 19, 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, a boatswain's mate second class, originally enlisted in the Coast Guard on March 3, 1992. He applied to the Board "to change the date of reenlistment [and] to change [his] page 7 [entry]." He admitted that he signed a page 7 entry on "98JAN08" stating that he would have to reenlist prior to "02MAR98" to be able to collect an SRB (selective reenlistment bonus).

The applicant alleged that he told the XPO (executive petty officer) that he wanted to reenlist "and then waited for the process to happen." The applicant said it was the job of the XPO to handle "all applicable paperwork." The XPO allegedly did not do so by March 2, 1998. According to the applicant, "when Mar 02, 1998 came I asked him when are they going to reenlist me, he responded it was to[o] late, . . . "

The applicant alleged that he did not get the 1998 SRB because "proper procedures" were not followed. Accordingly, he asked that the date of his page 7 entry be changed to "3 Mar 98."

JANUARY 8, 1998 PAGE 7 ENTRY

Following is a copy of the text of the January 8, 1998 page 7 entry (CG-3307) which was signed by the applicant and his officer in charge:

Entry Type: Selective Reenlistment Bonus (SRB-2)
Reference: COMDTINST M722 0.33 (series)
Responsible Level: Unit
Entry:

98JAN08: I have been advised that my current Selective Reenlistment Bonus (SRB) multiple is one and is listed in ALDIST 226/97, which has been made available to me.

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

I must reenlist on or 3 months prior to 98 MAR02, which is my 6th year active duty anniversary date, in order to receive a zone SRB.

[/s/] Officer in Charge

98JAN08: I hereby acknowledge that I have read and fully understand the contents and explanation of COMDTINST 7330.33 (series).

[/s/ Applicant]

APPLICABLE SRB REGULATION

Enclosure (3) to COMDTINST 7220.33, dated 29 DEC 1988, provides that a page 7 entry with the following contents shall be furnished to all personnel within 3 months prior to their 6th, 10th, or 14th active duty anniversary date.

"(Required page 7 entry for personnel within 3 months prior to their 6th . . . active duty anniversary date.

"DATE: I have been informed that:

"My current . . . SRB multiple is ___ . . .

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

"My SRB will be computed based on ___ months newly obligated service.

"I must enlist on or 3 months prior to (date), which is my (6th . . .)[year] active duty anniversary date in order to receive a Zone (A . . .) SRB.

Signature of Member/date

Signature of Counselor

VIEWS OF THE COAST GUARD

On July 7, 1999, the Chief Counsel (CC) of the Coast Guard submitted an advisory opinion to the Board recommending that relief be granted to the applicant.

The Chief Counsel noted that the Coast Guard had counseled the applicant that he could reenlist or extend on or 3 months before his 6-year anniversary date, which occurred on March 3, 1998. The applicant, according to the CC, stated that the applicant told "everyone to sign [him] up" but there was miscommunication and a lack of follow up.

On May 12, the applicant signed a letter to CGPC (Coast Guards Personnel Command asking the CG to correct this error by showing that he reenlisted for 6 years on March 2, 1998. The CC recommended that the Board grant relief. While the applicant was obliged to follow-up on his intent to reenlist, "his timely and immediate request" is in his favor. "[E]ven though a close call, the Coast Guard recommends that Applicant [be granted] the relief requested by his record to show that he reenlisted for 6 years on his 6-year enlistment anniversary date."

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions of the applicant, the applicant's military record, and applicable law:

1. The BCMR has jurisdiction of the case pursuant to section 1552 of title 10, United States Code. The application was timely.

2. The Coast Guard is required, pursuant to Enclosure 3 to COMDTINST 7220.33, to issue a page 7 (administrative remarks) entry for all personnel who are within 3 months prior to their 6th year active duty anniversary date. The entry is required to be signed by the applicant indicating that he acknowledges that he has been informed that he is eligible to reenlist/extend his enlistment for a maximum of (stated) years, but that he must reenlist/extend "on or 3 months" prior to his 6th year active duty anniversary date.

3. The Coast Guard met this requirement. The applicant received his 6-year counseling on January 8, 1998 and was told he had to reenlist or extend on or 3 months before his 6 year anniversary date (March 3, 1998).

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4. There was, however, in the words of the Chief Counsel, "a miscommunication and a lack of follow-up" in this case. The miscommunication "directly led" to the command's failure to reenlist him "per his explicit desires," and was therefore an injustice.

5. The Coast Guard's injustice in miscommunicating, and in failing to follow-up, caused the applicant to miss the opportunity to obtain an SRB on or 3 months prior to his 6th year active duty anniversary date.

6. Accordingly, the application should be granted.

ORDER AND SIGNATURE ON FOLLOWING PAGE

ORDER

The application to correct the military record
is granted as follows:

Correct his record to show that he reenlisted on his 6th active duty anniversary date, March 3, 1998, for 6 years with an appropriate multiple, for the purpose of obtaining a Zone A SRB. The Coast Guard shall pay the applicant the amount due him as a result of this correction.