


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

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 1999-008

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 26, 1998, upon the BCMR's receipt of the applicant's request for correction of his military record.

This final decision, dated August 5, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a machinery technician second class (MK2; pay grade E-5), asked the Board to correct his record to show that he reenlisted for six years on March 3, 1998, (his sixth year active duty anniversary date) so that he would be eligible to receive a Zone A selective reenlistment bonus (SRB), in accordance with ALDIST 226/97.

On March 3, 1992, the applicant enlisted in the Coast Guard for four years. On December 4, 1995, he reenlisted in the Coast Guard for six years.

EXCERPTS FROM THE RECORD AND SUBMISSIONS

The applicant stated that he was not counseled, prior to his sixth year active duty anniversary date (March 3, 1998), that he could request to be discharged and immediately reenlisted for the purpose of obtaining an SRB. He stated that he did not realize that such a reenlistment would have enabled him to receive the Zone A SRB that was in effect at that time for machinery technicians.

The applicant stated that his military record does not contain any administrative remarks (page 7) entries showing that he was counseled about his SRB eligibility or that he understood the SRB policy.

Views of the Coast Guard

On July 9, 1999, the Board received an advisory opinion from the Chief Counsel of the Coast Guard. The Chief Counsel recommended that the Board grant relief to the applicant.

The Chief Counsel stated that "the applicant took prompt and appropriate action to rectify the alleged error after its discovery and is willing to offer a new 6-year reenlistment as consideration for the SRB he requests." The Chief Counsel further stated that "[t]he applicant's record also demonstrates that he has performed well during the last few years and is deserving of consideration for the relief requested."

APPLICABLE REGULATIONS

Enclosure (1) to COMDTINST 7220.33, Section 3.d.(1) states that "[m]embers with exactly 6 years active duty on the date of reenlistment or operative date of extension will be entitled to the Zone A multiple in effect for their rating if they are otherwise eligible. . . ."

Section 3.d.(9) of enclosure (1) states that "[c]ommanding officers are authorized to effect early discharge and reenlist members within 3 months prior to their 6th, 10th, or 14th year active service anniversary dates (not to be confused with the normal expiration of enlistment), for the purpose of qualifying for a Zone A, B, or C SRB respectively."

Enclosure (3) to COMDTINST 7220.33 requires that within 3 months prior to the 6th, 10th, and 14th active duty anniversary date, each member must be counseled about eligibility for an SRB, the requirement to reenlist within 3 months prior to the 6th, 10th, and 14th active duty anniversary date to receive an SRB, that the entitlement to have all questions concerning SRBs answered and to be provided with a copy of Enclosure (5), which is entitled "SRB Questions and Answers." The counseling must be memorialized in the member's record on an administrative remarks (page 7) entry signed by the member.

FINDINGS AND CONCLUSIONS

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

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10, United States Code. The application is timely.

2. The Board finds that the applicant was not properly counseled, that three months prior to his sixth year active duty anniversary date, he could have been discharged from his current enlistment and immediately reenlisted for up to six years to obtain a Zone A SRB. Enclosure (1), Para. 3.d.(9), COMDTINST 7220.33.

3. March 3, 1998, was the applicant's sixth year active duty anniversary date. There was an SRB multiple of 1/2 in effect on that date for members in the MK rating. This SRB multiple became effective on October 1, 1997, and remained in effect on March 3, 1998. The applicant was eligible for this SRB.

4. The Board finds that the applicant's record should be corrected to show that he reenlisted for six years on March 3, 1998, his sixth year active duty anniversary date, for the purpose of obtaining a Zone A SRB.

5. The Coast Guard concurs in this grant of relief.

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

[ORDER AND SIGNATURES ON NEXT PAGE]

ORDER

The application of _____ USCG, for correction of his military record is granted. His record shall be corrected to show that he was discharged on March 3, 1998, and immediately reenlisted on the same date for a period of six years to obtain a Zone A SRB with appropriate multiple. The Coast Guard shall pay the applicant the amount due him as a result of this correction.

