


DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 1999-010

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 26, 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 asked to be reenlisted for 6 years on his 6th year active duty anniversary date (October 15, 1997) for the purpose of obtaining a Zone A SRB (selective reenlistment bonus), with a multiple of 1.

The applicant alleged that he was never counseled on his SRB eligibility nor did he sign a form CG-3307 (page 7 entry) "certifying that [he] understood the SRB policy." He also alleged that he was not counseled that he could be discharged and reenlisted on October 15, 1997 because it was his 6th year "active service anniversary date."

The applicant submitted a copy of his original contract of enlistment dated October 15, 1991. He also submitted a copy of ALDIST 226/97, which authorized a "special SRB [effective September 30, 1997] . . . to alleviate extraordinary personnel shortages."

The applicant also submitted a page 7 entry dated August 17, 1998, signed by the personnel officer. This officer admitted that the applicant "[wasn't] counseled at the time of [his] anniversary date."

VIEWS OF THE COAST GUARD

On July 8, 1999, the Chief Counsel of the Coast Guard recommended to the Board that it grant relief to the applicant. The Chief Counsel said the applicant's record shows that he took "appropriate action to rectify the error after its discovery and is now willing to offer a new 6-year reenlistment." He distinguished cases where a member "claims years afterward, that he fully intended to reenlist at that point in time." In those cases "relief is not warranted;" it is warranted in this case.

In the 3d paragraph of the advisory opinion, the Chief Counsel concluded that the "Coast Guard recommended that the Board grant the relief requested."

APPLICABLE LAW

ENCLOSURE (3) to COMDTINST 7200.33 requires the Coast Guard to issue a page 7 entry "within 3 months prior to their 6th active duty anniversary" advising applicants as to their SRB rights. There is no provision that permits an applicant to reenlist after his 6th year anniversary date for the sole purpose of obtaining a SRB.

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 entitled to be reenlisted on his six year anniversary in the Coast Guard for the purpose of obtaining an SRB. That anniversary fell on October 15, 1997.
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 applicants of their SRB rights.
4. A page 7 entry with respect to an SRB was issued to the applicant, but it was dated August 17, 1998, more than a year later than required by enclosure 3. The applicant applied for relief approximately 2 months later.
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 of _____, is granted. His record shall be corrected to show that the applicant reenlisted on October 15, 1997 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.

