


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

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 1999-013

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 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 8, 1997) for the purpose of obtaining a Zone A SRB (selective reenlistment bonus), with a multiple of 1/2.

The applicant alleged that he was never counseled regarding his eligibility for an SRB on his 6th year active duty anniversary date. He also alleged that he "did [not] sign a CG-3307 (a page 7 entry) certifying that he understood that he could receive a Zone A SRB due to it being his 6th anniversary active duty date.

The applicant's military record contained a copy of his original contract of enlistment for 4 years, dated October 8, 1991, and a reenlistment for 4 years dated July 28, 1995. He also submitted a copy of ALDIST 226/97 which authorized a "special SRB [effective September 30, 1997] . . . designed to help alleviate extraordinary personnel shortages."

VIEWS OF THE COAST GUARD

On July 9, 1999, the Chief Counsel of the Coast Guard submitted an advisory opinion to the Board recommending that the Board grant the relief requested by 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 as consideration for the SRB he requests." The Chief Counsel distinguished other SRB 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 3rd paragraph of the advisory opinion, the Chief Counsel concludes that the "Coast Guard recommends 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 the applicant as to his 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 active duty anniversary in the Coast Guard for the purpose of obtaining an SRB. Since he originally enlisted on October 8, 1991, and reenlisted on July 28, 1995, his 6 year active duty anniversary fell on October 8, 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 the applicant of his SRB rights. No such page 7 entry was issue to the applicant.

4. The Coast Guard committed an error by not issuing 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.

5. Accordingly, the application should be granted.

ORDER

The application to correct the military record of _____ is granted. His record shall be corrected to show that the applicant reenlisted on October 8, 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.

