


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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 1999-025

FINAL DECISION


This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. It was commenced on November 17, 1998, upon the BCMR's receipt of the applicant's application for correction.

This final decision, dated August 19, 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 (BM2; pay grade E-5) on active duty in the Coast Guard, asked the Board to correct his military record to show that he reenlisted on July 22, 1997, for a period of six years rather than three years.¹ He indicated that the correction would entitle him to receive a Selective Reenlistment Bonus (SRB) pursuant to ALDIST 135/97.

APPLICANT'S ALLEGATIONS

The applicant alleged that, pursuant to Coast Guard regulations, he should have been counseled prior to reenlisting concerning his eligibility for an SRB. The applicant alleged that he was not properly counseled and that, if he had been properly counseled, he would have reenlisted for a term of six years in order to receive the maximum allowable SRB for his rating under ALDIST 135/97.

¹ Although the applicant indicated that he had reenlisted on July 22, 1997, for a period of three years, his reenlistment contract shows that he reenlisted for four years on that date.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on March 21, 1989, for a term of four years. He extended his enlistment, but was discharged on November 1, 1993, pursuant to a reduction in force. He had served four years, seven months, and eleven days on active duty. After his discharge, the applicant joined the Coast Guard Reserve, for which he performed occasional drills. There is no Reserve active duty contract in his record.

On April 11, 1997, the applicant visited a Coast Guard recruiting office and filled out paperwork necessary for reenlisting in the regular Coast Guard. On April 14, 1997, he signed a document in which he requested to be released from the Coast Guard Reserve in order to reenlist in the regular Coast Guard. On July 22, 1997, he reenlisted in the Coast Guard for a period of four years.

The applicant submitted with his application signed statements from his commanding officer and his recruiter. His commanding officer stated that he believes that the applicant, "an excellent petty officer," was not properly counseled upon reenlisting. His recruiter stated that the applicant, who reenlisted at his recruiting office, "was not offered the opportunity to collect the [SRB] because this office had not yet received ALDIST 135/97 and was not aware of the availability of this SRB."

VIEWS OF THE COAST GUARD

On July 29, 1999, the Chief Counsel of the Coast Guard issued an advisory opinion in which he recommended that the Board deny the applicant's request.

The Chief Counsel argued that the applicant was not eligible for an SRB when he reenlisted on July 22, 1997, because under COMDTINST 7220.33, a member must reenlist no more than three months after discharge or release from active duty to be eligible for an SRB.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On July 30, 1999, the Chairman sent a copy of the Coast Guard's advisory opinion to the applicant and invited him to respond within 15 days. The applicant did not respond.

APPLICABLE REGULATIONS

Enclosure (1) to Commandant Instruction 7220.33 (Reenlistment Bonus Programs Administration), Section 3.a.(1), states that to be eligible to receive an SRB, members must "[r]eenlist not later than 3 months after discharge or release from active duty in a rating authorized an SRB multiple."

ALDIST 135/97, issued on June 5, 1997, established SRBs for personnel in certain skill ratings who reenlisted or extended their enlistments after July 1, 1997. The multiple to be used for calculating SRBs for members in the BM rating was one.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submissions, 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 alleged that he was not properly counseled about his eligibility for an SRB prior to his reenlistment on July 22, 1997. He alleged that, had he been properly counseled, he would have reenlisted for six years to receive the maximum possible SRB for his rating under ALDIST 135/97.
3. To be eligible to receive an SRB, members must "[r]eenlist not later than 3 months after discharge or release from active duty in a rating authorized an SRB multiple." COMDTINST 7220.33, Section 3.a.(1).
4. Because the applicant was not in an active duty status at any time during the three months prior to his reenlistment on July 22, 1997, he was not eligible for an SRB under Section 3.a.(1) of COMDTINST 7220.33 on that date. Therefore, correcting his record as he requested would not benefit him.
5. Accordingly, the applicant's request should be denied.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application for correction of the military record of
[redacted], USCG, is hereby denied.

