

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 1999-057

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 docketed on February 3, 1999, upon the BCMR's receipt of the applicant's complete application for correction of his military record.

This final decision, dated October 7, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a boatswain's mate third class (BM3; pay grade E-4), asked the Board to correct his record to show that he reenlisted for six years on his sixth-year active duty anniversary date, August 20, 1997, to obtain a Zone A selective reenlistment bonus (SRB). He stated that it was his intention, as evidenced by a career intentions worksheet, which he submitted, to reenlist for six years on his sixth-year anniversary date. The applicant alleged the Coast Guard verbally misinformed him that he did not need to reenlist, but he only needed to extend his enlistment to be eligible for the SRB. The applicant stated that he unwittingly signed the three year extension contract, which was prepared by his personnel servicing group.

The applicant enlisted in the Coast Guard on August 20, 1991. He extended that enlistment for three years, with an expiration date of August 19, 1998. On August 1, 1997, just before his sixth anniversary on active duty, the applicant extended his enlistment a second time for three years. On July 1, 1997, ALDIST 135/97 became effective and remained in effect through September 30, 1997. It authorized a Zone A SRB with a multiple of 1 for the BM rating.

In the Coast Guard advisory opinion, dated August 31, 1999, the Chief Counsel recommended that the Board grant the requested relief. The Chief Counsel stated that the record appears to support the applicant's allegation that, through no fault of his own, he was improperly extended rather than reenlisted on his sixth-year active duty anniversary date. Additionally, the Chief counsel stated that the applicant now is willing to provide additional consideration for the SRB.

FINDINGS AND CONCLUSIONS

The Board finds that the Coast Guard committed an error by erroneously counseling the applicant to extend rather than reenlist on his sixth-year active duty anniversary date. Such erroneous advice resulted in the applicant qualifying for a Zone A SRB based on 36 months of obligated service rather than on the 60 months of obligated service that he had requested. Pursuant to COMDTINST 7220.33 (SRB instruction), the applicant was eligible to request a discharge and immediate reenlistment on his sixth year active duty anniversary for the purpose of obtaining an SRB. On August 20, 1997, (his sixth-year anniversary) the applicant was eligible for the SRB multiple announced in ALDIST 135/97 for the BM rating. Accordingly, the applicant's record should be corrected to show that he was discharged on August 20, 1997 (sixth-year active duty anniversary date), and immediately reenlisted for the purpose of obtaining a Zone A SRB with a multiple of 1.

ORDER

The military record of _____, for correction of his military record is granted. His record shall be corrected to show that he was discharged on August 20, 1997, and immediately reenlisted on the same date for a period of six years to obtain a Zone A SRB with the appropriate multiple. The Coast Guard shall pay the applicant the amount due him as a result of this correction. The three year extension signed by the applicant on August 1, 1997 is null and void.

