

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

Application for Correction
of Coast Guard Record of:

No. 1999-073

TECHNICAL CORRECTIVE AMENDMENT TO FINAL DECISION

On January 31, 2000, the Board corrected the applicant's record to show that he reenlisted on November 30, 1998, instead of on November 3, 1998, so that he would be eligible to receive an SRB. It has been brought to the Board's attention that it neglected to rule on the applicant's additional request that he obligated himself to serve 6 years, rather than 3 years, of additional service.

On February 26, 1999, the applicant, in his original application, asked for a new reenlistment contract "for six years" rather than for three years. On November 17, 1999, the Chief Counsel of the Coast Guard issued an advisory opinion recommending relief on a condition that was later met. The Chief Counsel assumed that the applicant wished to reenlist for 3 years because the applicant had requested 3, rather than 6, years, in a document that preceded the application [Statement of Intention, dated September 21, 1998]. The Chief Counsel did not object to a 6-year term.

AMENDED ORDER

The military record of _____ USCG, shall be corrected as follows: (1) Change the applicant's record to show that he reenlisted for six years on November 30, 1998 instead of for three years. (2) The Coast Guard shall pay the applicant the amount due him under ALDIST 206/98 as a result of this amendment.

This corrective technical amendment to the final decision, dated February 10, 2000, is signed by three duly appointed members who were designated to serve as the Board in this corrective technical amendment.

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

Application for Correction of
Coast Guard Record of:

BCMR Docket No. 1999-073

FINAL DECISION

[REDACTED]

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14, United States Code. The proceeding was commenced on February 26, 1999, upon the Board's receipt of the applicant's request for correction of his military record.

This final decision, dated January 31, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED

The applicant submitted a signed memo saying that his "intention was to reenlist on the 29th of November [1998]." When he received the reenlistment contract, "it was dated for the third of November." With this reenlistment, he would be entitled to a selective reenlistment bonus. (SRB).

The applicant's commanding officer (CO) alleged that the applicant missed an opportunity to "seize" an SRB when a rating multiple was designated for change because the "effective date of the change shall be promulgated by ALDIST at least 30 days in advance." COMDTINST 7220.33. There was a "rating multiple increase" but not "30 days advanced notice." The CO "hoped that we do the right thing in [the applicant's] case."

VIEWS OF THE COAST GUARD

On November 17, 1999, the Chief Counsel of the Coast Guard recommended a grant of relief because an error was probably committed when an enlistment contract was prepared with a date of 03 November 1998 rather than 30 November 1998.

Accordingly, the Chief Counsel, on November 17, 1999, recommended to the Board that it grant "conditional relief" to the applicant. The Chief Counsel recommended that relief be granted only "if [the applicant is able to provide a declaration from the [personnel] yeoman who prepared this reenlistment contract stating that an administrative error was committed when his reenlistment contract was prepared with an execution date of 03 November 1998."

The Chief Counsel said that a statement of intention (SOI) should "have] resulted in the preparation of a reenlistment contract dated 30 November 1998. . . [T]he record reflects the fact that his [personnel] yeoman prepared a reenlistment contract for Applicant's signature dated 03 November 1998 in lieu of 30 November 1998 as requested."

RESPONSE

On November 22, 1999, the Board sent the applicant a copy of the views of the Coast Guard on this matter and notified the applicant that he could submit a response to the Coast Guard's views within 15 days of the notification.

On December 6, 1999, the applicant submitted to the Board a declaration that was signed by the [personnel] yeoman that said that "the dates are typed in error." The applicant sent the Board a document signed by this yeoman stating that an administrative error was committed by this yeoman.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions of law 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 of the case pursuant to section 1552 of title 10, United States Code.
2. The application was timely.
3. The Chief Counsel of the Coast Guard, in recommending conditional relief, stated that an error in typing by the yeoman would convert the conditional relief recommended by the Service to an absolute grant of relief.
4. The applicant has demonstrated that the Coast Guard committed an error by typing the date of enlistment as 03 November 1998 rather than the correct date of 30 November 1998.
5. There was an SRB multiple of 1 in effect for the applicant's rating on 30 November 1998. The applicant was eligible for this SRB.
6. Accordingly, the applicant is entitled to relief.

ORDER

The application to correct the military record of [REDACTED] USCG, is granted as follows. His three-year enlistment contract dated November 3, 1998, shall be corrected to show that it became effective on November 30, 1998, instead of November 3, 1998.

The Coast Guard shall pay the applicant any sum he is due under ALDIST 290/98 as a result of this correction.

