

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

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Application for Correction  
of Coast Guard Record of:

BCMR Docket  
No. 1999-110

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**FINAL DECISION**

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This is a proceeding under the provisions of § 1552 of title 10 and § 425 of title 14 of the United States Code. It was commenced on May 6, 1999, following the BCMR's receipt of the applicant's completed request for correction of her military record.

The final decision, dated March 30, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

**RELIEF REQUESTED**

The applicant, a chief warrant officer - third (CWO3) on active duty, asked the Board to correct her military record to show that she extended her enlistment so that she could receive a Selective Reenlistment Bonus (SRB) pursuant to ALDIST 004/82.

**APPLICANT'S ALLEGATIONS**

In her application to the BCMR, the applicant said she "was not properly counselled regarding [her] entitlement to a Selective Reenlistment Bonus (SRB)." A statement of intent (SOI) would, in her opinion, "have guaranteed her entitlement to a SRB," but she was not given a SOI to sign. According to the BCMR application, "[she] was never counselled concerning [her] entitlement to a SRB."

The applicant's active duty base date was October 2, 1979. A DD Form 214 in her military record indicated that she was discharged from the Coast Guard on

February 7, 1981 by reason of expiration of enlistment. According to a subsequent DD Form 214, she reenlisted and was discharged on March 23, 1983. On that date she was recommended for preferred reenlistment and was enlisted for 3 years. She said the form shows that she was on active duty during the time when "the SRB for YN was offered." On February 28, 1991, she was commissioned a chief warrant officer - (CWO2).

### VIEWS OF THE COAST GUARD

On December 27, 1999, the Chief Counsel of the Coast Guard recommended that the Board grant relief to the applicant. The Chief Counsel found the fact pattern of this case analogous to the fact pattern in BCMR Docket No. 1999-022. Accordingly, the Coast Guard recommended relief consistent with the Board's decision in that case.

The Chief Counsel declared that the applicant met all the requirements listed in COMDTINST 7220.13E, with respect to the administration of the reenlistment bonus program.

### APPLICANT'S RESPONSE TO THE COAST GUARD VIEWS

On January 4, 2000, the Board sent the applicant a copy of the Chief Counsel's advisory opinion and invited her to respond with any comments within 15 days. No response was received by the Board.

### 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 of the United States Code. The application was timely pursuant to Detweiler v. Pena, 38 F.3d 591 (D.C. Cir.1994).

2. Coast Guard regulations require that members be "fully advised" of SRB opportunities.

3. The applicant alleges that the Coast Guard failed to counsel her regarding her eligibility to reenlist for an SRB.

4. The Coast Guard recommended that the Board grant relief because she met

all the requirements enumerated in COMDTINST 7220.13E, Article 1.d.(1) of Enclosures (1). "Specifically, the Applicant met all the requirements for the SRB including completing at least 21 months of continuous active duty . . . immediately prior to 14 February 1982, the last date upon which she could have reenlisted for an SRB under ALDIST 004/82. Her record contains a DD-214 demonstrating that she was on continuous active duty from 24 March 1980 through 23 March 1983 (22 months of continuous active duty on 15 February 1982)."

5. The Coast Guard erred in 1982 by failing to counsel the applicant of her eligibility to receive a SRB by extending her enlistment under ALDIST 004/82.

6. Accordingly, the application should be granted.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

**ORDER**

The application to correct the military record of \_\_\_\_\_, USCG, is hereby granted.

The applicant's record shall be corrected to show that on February 14, 1982, the applicant extended her enlistment for six years.

The Coast Guard shall pay the applicant any sum she is due as a result of this correction.

