

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 1999-120

FINAL DECISION

[REDACTED]

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 docketed on May 21, 1999, upon the Board's receipt of the applicant's complete application for correction of his military record.

This final decision, dated April 13, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a radarman second class (RD2; pay grade E-5), asked the Board to correct his record to show that he reenlisted on October 29, 1997 (his 10 year active duty anniversary date) for six years so that he would be eligible for a Zone B selective reenlistment bonus (SRB).

Prior to enlisting in the Coast Guard, the applicant spent approximately four years in the Navy. On October 29, 1991, he enlisted in the Coast Guard for four years as an RD3. On May 24, 1994, he extended his enlistment for 10 months with an enlistment expiration date of August 28, 1996. On October 8, 1998, the applicant reenlisted in the Coast Guard for six years. (The applicant's Headquarters' military record does not contain an enlistment/extension agreement for the period between August 28, 1996, and the date of his October 8, 1998 reenlistment. However, there is no disagreement that he was on active duty during this period.)

The Coast Guard stated that the applicant advanced to RD2 (pay grade E-5) on January 1, 1998.

EXCERPTS FROM THE RECORD AND SUBMISSIONS

The applicant alleged that he was not properly counseled three months prior to his tenth anniversary on active duty that he could request an early discharge and immediate reenlistment for the sole purpose of obtaining a Zone B SRB. He stated he was told that he could not reenlist two months prior to this tenth anniversary because an agreement to extend his enlistment had not expired at that time.

The applicant's military record does not contain any administrative remarks (page 7) entries showing that a career information specialist counseled him.

Views of the Coast Guard

On December 6, 1999, the Board received an advisory opinion from the Chief Counsel of the Coast Guard. The Chief Counsel recommended that the Board deny relief to the applicant due to lack of merit. The Chief Counsel stated that

the record shows that the [a]pplicant's 10-year anniversary date was 29 October 1997. Applicant was not advanced to pay-grade E-5 until 1 January 1998. Therefore, the applicant did not meet the eligibility requirements for a Zone B SRB because he was an E-4 at the time of his ten (10) year service anniversary. Enclosure (1) to COMDTINST 7220.33, Section 3.b.(4).

Applicant's Response to the Views of the Coast Guard

On December 7, 1999, a copy of the views of the Coast Guard was sent to the applicant. The applicant was informed that he could respond to these views, but no response was received from him.

APPLICABLE REGULATIONS

Enclosure (1) to COMDTINST 7220.33, Section 3.b.(4), states that to be eligible for a Zone B SRB the member must be serving in pay grade E-5 or higher.

Enclosure (1) to COMDTINST 7220.33, Section 3.d.(2), states, in pertinent part, as follows: "Members with exactly 10 years active duty on the date of reenlistment or operative date of extension will be entitled to the Zone B multiple in effect for their rating if they are otherwise eligible. . . ."

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's submissions and military record, the Coast Guard's submission, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10, United States Code. The application is timely.
2. The applicant was not eligible for a Zone B SRB on his tenth anniversary on active duty because he was not serving in pay grade E-5 at that time. Enclosure (1) to COMDTINST 7220.33, Section 3.b.(4) states that that to be eligible for a Zone B SRB a member must be serving in pay grade E-5 or higher. The applicant was only serving in pay grade E-4 on his tenth anniversary on active duty.
3. Accordingly, the applicant's request for relief should be denied.

ORDER

The application concerning
his military record is denied.

