

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

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 1999-137

FINAL DECISION

[REDACTED]

This is a proceeding under the provisions of § 1552 of title 10 and § 425 of title 14, United States Code. It was commenced on June 21, 1999, upon the Board's receipt of the applicant's request for correction of his military record.

This final decision, dated February 24, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED

The applicant asked to receive the selective reenlistment bonus (SRB) that he was entitled to receive. He alleged that "the only understanding [he] had on the situation is what the expert, [his] YN (yeoman) told [him]." The YN "assured him [that he] would receive the 'max bonus' in one year's time. In reality, he found that he will only receive a "partial if any" bonus whereas his peers, who served the same amount of time, receive "full" SRBs.

The applicant alleged that he was improperly informed, and he has "no documentation (page 7) showing [that he] was ever counseled."

VIEWS OF THE COAST GUARD

On January 6, 2000, the Chief Counsel of the Coast Guard recommended to the Board that it grant relief to the applicant.

The Chief Counsel found that the applicant originally enlisted in September 1993 for 4 years, with an end of enlistment date of September 12, 1997; that in April 1996, he extended his enlistment for 35 months which gave him an end-of-enlistment date of August 2000; that in April 1997, he extended for one month; that in August 1997, he extended for 24 months; that in April of 1998, he signed a 32 month extension; and that in September of 1997, he executed a 4 year reenlistment. The August 1997 extension

contract indicated that it was the applicant's "first" extension contract, and it implicitly cancelled the two previously signed extensions.

The Chief Counsel said that the 35-month extension the applicant signed in April 1996 was cancelled in error in August 1997 by an apparently invalid 2-year extension agreement. The Chief Counsel said that the 1997 extension "appears to have been improperly executed." He said that "misplaced reliance on ALDIST 154/97 in Applicant's case is evidenced by the substitution of an extension of shorter duration." (ALDIST 154/96 sought to rectify perceived inequities between SRB policies.)

The Chief Counsel recommended that the three extension contracts implicated by the initial error, and the two extension contracts executed prior to end-of-enlistment dates, be cancelled. The Chief Counsel further recommended that the applicant's record be changed to show that he reenlisted for six years (72 months), effective September 13, 1997 making the applicant eligible for 36 months of Zone A SRB, subject to recoupment of Zone B SRB overpayment.

APPLICANT'S RESPONSE TO COAST GUARD VIEWS

On January 7, 2000, the Board sent the applicant the views of the Coast Guard on this matter and notified him that he could submit a responses to these views within 15 days of the notification.

On January 28, 2000, the Board received a response from the applicant. He stated that the Coast Guard proposal "appears to be fair," and he said that he is willing to settle the matter as the Coast Guard suggested.

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, United States Code. The application was timely.

2. The applicant alleged that he was improperly counseled by his yeoman as to eligibility for the SRB he was entitled to receive. The yeoman allegedly told him that he would receive the "max" bonus, but when the SRB was awarded, he received only a "partial" bonus, whereas his peers recovered "full" bonuses.

3. The Chief Counsel of the Coast Guard recommended that the applicant be awarded relief on the ground that his 35-month extension of enlistment, which gave him an end-of enlistment date of August 2000, was cancelled in error by an apparently invalid 2-year extension agreement, which gave him an end-of-enlistment date of

September 1999. According to the Chief Counsel, the substitution of an extension of shorter duration for an extension of greater duration was not justified by ALDIST 154/97.

4. The Chief Counsel recommended that the Board "[c]ancel three (3) reenlistment/extension contracts implicated by the initial error and the two (2) extension contracts executed prior to Applicant's end-of-enlistment date." The Chief Counsel further recommended that the applicant's record be changed to show that he reenlisted for six years effective September 1997.

5. The applicant agreed with the Coast Guard recommendations.

6. Accordingly, the relief requested should be granted, as set forth in the order.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application to correct the military record of [REDACTED] USCG, is granted. The applicant's record shall be corrected to show that he reenlisted on September 13, 1997 for six years for an appropriate Zone A SRB. The Coast Guard shall pay the applicant the amount that is due him as a result of this correction. The applicant's enlistment extension contracts, which were signed by him on April 10, 1996, on April 16, 1997, on August 15, 1997, and on April 8, 1998, and the four year reenlistment signed by him on September 13, 1999, are null and void.

