


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

Application for Correction
of Coast Guard Record of:

BCMR Docket
Docket No. 1999-140

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 commenced on June 29, 1999, upon the BCMR's receipt of the applicant's request for correction of his military record.

The 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.

SUMMARY OF RECORD AND SUBMISSIONS

Applicant's Allegations

The applicant alleged that nobody in the Coast Guard "informed [him] that [he] could reenlist before [he] reached [his] six-year mark." He stated that his Coast Guard personnel office told him that his record did not show he was near his six-year mark, and then told him he was beyond the six-year mark.

The applicant said that he wanted to reenlist on his six-year anniversary date, and he wanted to get a Zone A reenlistment bonus in return. (His sixth anniversary date was January 27, 1999.)

Views of the Coast Guard

The Chief Counsel of the Coast Guard recommended that the Board grant the relief requested.

The Chief Counsel said that "[a] review of the Applicant's record failed to reveal any documentation to substantiate the SRB counseling he should have received per COMDINST 7220.33. Therefore, the Board should grant relief based on the lack of required SRB counseling consistent with its decision in BCMR Case No. 1999-030 and its progeny." See also BCMR No 1999-026. The Coast Guard was persuaded to recommend relief by the promptness of the applicant's action to rectify the error and by his willingness to obligate himself to a new long-term reenlistment.

Applicant's Response to Coast Guard Views

On January 21, 2000, the Board sent the applicant a copy of the views of the Coast Guard on this case and notified the applicant that he could submit a response to the Coast Guard's views within 15 days of the notification.

On February 10, 2000, the Board received a submission from the applicant that he wishes to reenlist for a six year term.

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 sought to reenlist on his sixth anniversary active duty date, January 27, 1999, for the purpose of obtaining a Zone A SRB.
3. Enclosure (3) to COMDTINST 7220.33 requires the Coast Guard to issue a page 7 entry "within 3 months prior to their sixth active duty anniversary" advising the Coast Guard members of their SRB rights.
4. No such page 7 entry was made prior to the applicant's sixth year anniversary date.
5. The applicant has established that the Coast Guard committed an error by not counseling him with respect to his sixth anniversary date.
6. The Chief Counsel of the Coast Guard recommended that relief be granted to the applicant.
7. Accordingly, the application should be granted.

ORDER

The application to correct the military record of _____
USCG, is granted. His record shall be corrected to show that he reenlisted on
January 27, 1999 for six years for an appropriate SRB with an appropriate multiple. The
Coast Guard shall pay the applicant the amount that is due him as a result of this
correction,

