


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

Application for Correction
of Coast Guard Record of:

BCMR Docket
Docket No. 1999-146

FINAL DECISION


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 commenced on July 9, 1999, upon the BCMR's receipt of the applicant's complete request for correction of his military record.

This final decision, dated May 10, 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 machinery technician second class, alleged that the Coast Guard denied him the benefits of reenlistment because he reenlisted on September 12, 1997, instead of on his true end-of-enlistment date, October 25, 1997.

The applicant alleged that the Coast Guard failed to counsel him, failed to give him "SRB entitlements," and told him to reenlist early, which caused him to lose three years of selective reenlistment bonus (SRB) that he was entitled to receive.

The essence of the applicant's application was that he was not counseled "correctly or properly" about his SRB entitlement from the Coast Guard. On July 31, 1997, the applicant was notified by the Coast Guard that he must reenlist between that date and October 7, 1997. A few weeks later, the Coast Guard temporarily suspended that requirement, which meant the applicant could delay his reenlistment until October 25, 1997.

He alleged that his yeoman (YN1) had told him, in the first week of September, 1997, that his date of end of enlistment was October 24, 1997. The YN1 counseled him to reenlist prior to that date to avoid "disruptions and other complications."

The YN1 allegedly prepared reenlistment papers for the applicant, and the applicant agreed to reenlist on September 12, 1997. The applicant said he felt "rushed" in meeting that deadline. In a letter accompanying his application he stated the following: "I do however feel that an injustice was committed against me in the fact that [the yeoman] did not properly counsel me; If I had been properly counseled I would have certainly until waited to my end of enlistment date."

VIEWS OF THE COAST GUARD

On February 29, 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, in reliance in part on the advice of his yeoman, reenlisted earlier than necessary. The applicant, according to the Chief Counsel, reenlisted 19 days before a Zone A SRB was authorized for members of applicant's rating, 26 days before his original CFTRR (Centralized First Time Reenlistment Review) deadline, and 43 days before his true end-of-enlistment deadline. He reenlisted for three years.

APPLICANT'S RESPONSE TO COAST GUARD VIEWS

On March 9, 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 date of notification.

On April 17, 2000, the Board received a submission from the applicant which contained the following sentence: "I do not disagree with the Coast Guard's findings."

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 yeoman did not inform the applicant, when he reenlisted, that he could wait an additional 43 days until his true date of end of enlistment as the date by which he could reenlist. If he had waited 19 days to reenlist, he would have qualified for a Zone A SRB. The yeoman did not inform him of these choices or possible choices

3. The Coast Guard committed an injustice when it failed to inform the applicant that he did not need to reenlist until October 25, 1997, and the injustice deprived him of an SRB.

4 Accordingly, relief should be granted to the applicant.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application to correct the military record of [REDACTED], USCG, is granted, as follows. His record shall be corrected to show that he reenlisted on October 1, 1997, for six years. This reenlistment shall be effective October 1, 1997. His reenlistments of September 12, 1997, and April 11, 1998, are null and void. The Coast Guard shall pay the applicant the sums owing for an SRB for these transactions.

