

DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS

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Application for Correction  
of Coast Guard Record of:

BCMR Docket  
No. 1999-153

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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 July 21, 1999, following the BCMR's receipt of the applicant's completed application for correction of his military record.

The final decision, dated June 15, 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 food service specialist second class (FS2; pay grade E-5), asked the Board to correct his record to entitle him to a selective reenlistment bonus (SRB). He specifically asked for "[a] re-evaluation of [his] selective reenlistment bonus eligibility." He alleged that he "was never counseled on the effects of an extension on any subsequent reenlistment or SRB" and he "was informed that [h]e needed to extend for 2 years and 7 months to obtain the necessary obligated service without any counseling on how that would affect [his] SRB."

The applicant also submitted a letter he sent to the Commandant with an endorsement by his commanding officer (CO). His CO said, on May 10, 1999, that "[i]t appears that [the applicant] was never properly counselled on the effects of his extension on his SRB. [N]o documentation exists on such counselling."

### VIEWS OF THE COAST GUARD

On February 24, 2000, 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 for "lack of merit based on the application of the obligated service requirement (OBLISERV) per Article 4.B.6. of the [Personnel Manual]."

According to the Chief Counsel, the applicant enlisted in the Coast Guard on January 18, 1994. On May 27, 1997, he extended his enlistment for two years and seven months to accept PCS orders to the CGC STURGEON BAY. He was counseled on the SRB program on this date. Specifically, there was no SRB for the FS rating on the date the applicant signed his agreement to extend.

The Chief Counsel said that on September 30, 1997, ALDIST 226/97 was promulgated authorizing a Zone A SRB with a multiple of one for members of the FS rating. On November 25, 1997, the applicant reenlisted for six years. "Prior to reenlisting," the Chief Counsel said, "Applicant signed a CG-3307 (administrative remarks) acknowledging that he had read and fully understood the contents and explanation of COMDTINST 7220.33 (series)." According to the Chief Counsel, the applicant, by signing the CG-3301B on May 27, 1997, acknowledged that he had been "properly counseled on his rights and options regarding enlistment/reenlistment, extension options and his eligibility for a SRB."

### APPLICANT'S RESPONSE TO COAST GUARD VIEWS

On February 28, 2000, the Chairman sent the applicant a copy of the Chief Counsel's advisory opinion and invited him to respond to it within 15 days. No response was received by the Board within that deadline.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions of the applicant and of the Coast Guard, on the basis of the applicant's military record, and on the basis of 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 "never counseled on the effects of an extension on any subsequent reenlistment or SRB." He further alleged that he was

told he had to extend for obligated service "without any counseling on how that would affect [his] SRB."

3. This allegation is contradicted by the applicant's signature on Form 3301B, Agreement to Extend/Reextend Enlistment.

4. By signing Form 3301B, the applicant attested to the fact that he had been counseled about his eligibility for an SRB. He did not introduce any evidence that his signature was coerced or otherwise invalid.

5. The applicant has failed to show an error or an injustice on the part of the Coast Guard.

6. Accordingly, the application should be denied

**[ORDER AND SIGNATURES ON FOLLOWING PAGE]**

**ORDER**

The application to correct the military record of JSCG, is denied.

