

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 1999-155

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 20, 1999, upon the BCMR's receipt of the applicant's request for correction of his military record.

The final decision, dated June 1, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

Applicant's Request

The applicant, who is a machinist technician third class (MK3, pay rate E-4), reenlisted in the Coast Guard on March 4, 1999. He alleged that upon entering into a written agreement to reenlist, the applicant's Coast Guard recruiter and unit yeoman promised him a Zone A Selective Reenlistment Bonus (SRB) with a multiple of 2.

Views of the Coast Guard

On February 25, 2000, the Chief Counsel of the Coast Guard issued an advisory opinion recommending that an alternative form of relief be granted to the applicant—correcting the applicant's record (1) to void the March 1999 enlistment contract and substitute an extension contract of two months, and (2) to give the applicant an opportunity to further modify the substituted extension contract, as requested, to show an extension period of three years with a termination date of September 1, 2002.

The Chief Counsel said that the applicant served in the Navy as well as the Coast Guard, and his active-duty base date for the combined service was July 28, 1992. On March 4, 1999, the applicant reenlisted in the Coast Guard for six years, after receiving counseling that he would thereby receive a Zone A SRB. The applicant's reenlistment was due in part to the promise of that Zone A SRB.

The Chief Counsel observed that "the Applicant was ineligible to reenlist for a Zone A SRB because he had already served over six years of active duty." The applicant was required to obligate at least two additional months of active service in order to accept his PCS orders.

The Chief Counsel recommended an order that would, he stated, grant relief.

Applicant's Response to the Coast Guard Views

On February 28, 2000, the Board sent the applicant a copy of the views of the Coast Guard on this matter and notified him that he could submit a response to the Coast Guard's views within 15 days of the date of notification.

No response was received from the applicant.

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 and on the basis of the applicant's military record 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 reenlisted in the Coast Guard in March 1999. On that date, he signed a reenlistment contract containing a written agreement by the Coast Guard to pay the applicant a Zone A SRB. Subsequently, it was discovered that the applicant was not eligible for a Zone A SRB because he had already served over six years of active duty.
3. The Coast Guard is not obligated to pay the SRB since it is not bound by the representation of the recruiter who told the applicant that he was eligible for a bonus.
4. However, since the applicant was induced to reenlist in 1999 by the promise of a SRB, and since the Coast Guard has refused to pay that SRB, the applicant is entitled to have the 1999 reenlistment canceled.
5. On July 23, 1996, the applicant was required to obligate at least two additional months of active service in order to accept his PCS orders.
6. Accordingly, the applicant should be granted relief in accordance with the advisory opinion.

ORDER

The application to correct the military record of
. USCG, is granted as follows: The March 1999 six-year reenlistment contract is null and void. The July 23, 1996 four-year enlistment contract shall remain in effect, as if it were not terminated on March 4, 1999. The applicant's record shall be further corrected to show that he extended his July 23, 1996 enlistment for two months to meet the obligated service requirement for a PCS transfer. The Coast Guard shall consult with the applicant and give him an opportunity to further extend his July 23, 1996 enlistment for a period of two or three years, if he desires to do so.

