

DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS


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Application for Correction  
of Coast Guard Record of

BCMR Docket No. 1999-164

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**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 docketed on August 18, 1999, upon the BCMR's receipt of the applicant's completed application.

The final decision, dated June 29, 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 (FS2; pay grade E-5), requested a selective reenlistment bonus (SRB) on her 10th active duty anniversary date.

The applicant asked the Coast Guard to backdate her reenlistment dated 18 June 18, 1999 to May 7, 1999 "to allow her to collect a Selective Reenlistment Bonus (SRB)."

**SUMMARY OF RECORD**

On June 18, 1999, the applicant reenlisted for six years active duty. She did not receive a 10-year selective reenlistment bonus on that date, however, because her 10-year active duty anniversary date had passed.

The applicant alleged on February 22, 1999, she was approved for reenlistment in the regular Coast Guard. On March 16, 1999, she requested a statement of creditable service from the Coast Guard Human Resources Services and Information Center. The statement was not received, however, "for an inordinate amount of time" after it was requested. It was signed by a Coast Guard representative on June 1, 1999.

On June 1, 1999, the applicant's total creditable active duty was 10 years and 23 days. The delay, she alleged, in submitting that statement put her over her "10 year anniversary date by 23 days." Her 10-year active duty anniversary date was therefore May 7, 1999.

When she applied to the BCMR on August 12, 1999, she said that "If I had received this document sooner from HRSIC I would have been able to reenlist for a bonus."

The applicant's commanding officer supported her application for correction, as follows:

[The applicant] has made every attempt to reenlist within her ten year anniversary date in order to collect a [SRB]. She has served on twenty five separate periods of active duty, making it highly unlikely she could have known her exact time in service. The delay in processing the applicant's Statement of Creditable Service is the only reason she was unable to execute her reenlistment contract.

#### **VIEWS OF THE COAST GUARD**

On March 24, 2000, the Chief Counsel of the Coast Guard recommended granting relief to the applicant. He set forth the rationale in the advisory opinion of the Coast Guard.

The Chief Counsel said that the applicant alleged that the Coast Guard failed to take prompt action to ensure that she could reenlist on her 10-year service anniversary for an SRB. The Chief Counsel stated that the applicant's record supported this allegation of error. The Chief Counsel also concluded that the applicant took prompt action to rectify the error after its discovery.

The Chief Counsel recommended that the Board grant the relief suggested by correcting applicant's record to show that she reenlisted for six years on May 7, 1999.

#### **APPLICANT'S RESPONSE TO COAST GUARD VIEWS**

On March 29, 2000, the Board sent the applicant a copy of the views of the Coast Guard in this case and notified the applicant that she could submit a response to the Coast Guard views within 15 days of the notification.

The Board did not receive any response from the applicant.

**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 has established that the Coast Guard committed an injustice when it spent almost three months preparing a Statement of Creditable Service.
3. The applicant has established that she would have reenlisted on her 10-year active duty anniversary date to obtain a Zone B SRB if she only could learn what date that was.
4. It is in the interest of justice to remedy the loss caused by no personal fault of the applicant.
5. The Board finds that the applicant would have enlisted for 6 rather than 4 years if she had been properly informed about the 10-year active duty anniversary opportunity.
6. Accordingly, the application should be granted.

**ORDER AND SIGNATURE ON FOLLOWING PAGE**

**ORDER**

The application to correct the military record of [redacted], is granted. Her record shall be corrected to show that she reenlisted on May 7, 1999, for 6 years to obtain an SRB on her ten-year active duty anniversary date, with an appropriate multiple.

The reenlistment contract dated June 18, 1999, shall be null and void.

The Coast Guard shall pay the applicant the sum she is due as a result of this correction.

