

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


---

Application for Correction  
of Coast Guard Record of:

BCMR Docket  
No. 2000-014

---

**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 docketed October 20, 1999, upon the BCMR's receipt of a complete application for correction of the applicant's 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.

**RELIEF REQUESTED**

The applicant, who is a machinery technician first class (MK1; pay grade E-6), asked the Board to change his discharge and reenlistment dates to make them one month later, so that he would be eligible for a Zone A SRB with a multiple of two. The applicant, who was a reservist serving on extended active duty at the time of the alleged error, asked the Board to change his date of enlistment from July 15, 1999 to August 15, 1999. The enlistment contract the applicant signed on July 15 stated in Block 13a: "[S]RB Info Zone A multiple of two Ref ALDIST 184-99."

**VIEWS OF THE COAST GUARD**

On April 27, 2000, the Chief Counsel of the Coast Guard recommended that this applicant be granted relief and that the relief be based on equity. The Chief Counsel said that the applicant was not entitled to relief on account of error because he had served one month less than the minimum of 21 months of continuous service which was required by Coast Guard regulations.

However, the Chief Counsel said, the "Applicant was promised such an SRB in writing and could have easily qualified to receive such an SRB if he had delayed his enlistment into the Regular Coast Guard by a single month

The Chief Counsel said this case involves a significant issue of Coast Guard policy.

### APPLICANTS RESPONSE TO VIEWS OF THE COAST GUARD

On April 28, 2000, January 7, 2000, the Board sent the applicant a copy of the views of the Coast Guard on this matter and notified the applicant that he could submit a response to the Coast Guard's views if he did so within 15 days of the notification.

On May 8, 2000, the Board received a response from the applicant. He said he agreed with the recommendations of the Coast Guard.

### 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 is timely.

2. The applicant, a Coast Guard reservist, enlisted in the regular Coast Guard on July 15, 1999. On that date, he signed an enlistment contract containing a written agreement by the CG to pay him a Zone A SRB.

3. 37 U.S.C. § 308(a)(A) of the United States Code provides that to receive a reenlistment bonus, a person must have completed 21 months continuous active duty. As of the date of his enlistment into the regular Coast Guard, the applicant had not completed at least 21 months of active duty. If, the Chief Counsel noted, "he had waited one more month, he would have become eligible to receive the promised SRB."

4. The Coast Guard is not bound by the representation of the officer who signed the applicant's enlistment contract which indicated that the applicant was eligible for a SRB. Although the Coast Guard is not estopped from repudiating erroneous advice of its otherwise authorized officers, this does not mean that it must repudiate such advice. Justice requires that, whenever reasonable, such a promise should be honored. BCMR Docket No. 1999-133.

5. The Board agrees with the following conclusion of the Coast Guard: "Considering the written promise of an SRB in light of the fact that the member was obligated to serve on extended active duty beyond the reformation date he now

requests (15 August 1999), the Coast Guard will not contest any decision granting Applicant the relief requested."

6. Accordingly, the application should be granted.

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

**ORDER**

The application to correct the military record of  
USCG, is granted as follows: His record shall be corrected to show that he  
reenlisted on August 15, 1999, rather than on July 15, 1999. The Coast Guard shall pay  
the applicant the amount he is due as a result of this correction.

