

DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 2000-020

FINAL DECISION

[REDACTED]

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14, United States Code. It was commenced on November 26, 1999, upon the BCMR's receipt of the applicant's complete application for correction of his military record.

This final decision, dated September 7, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a boatswain's mate second class (BM2; pay grade E-5) reenlisted in the Coast Guard for six years on May 28, 1999. He asked the Board to change the date of that reenlistment contract from May 28, 1999, to September 1, 1999, so that he would be eligible to receive a Zone B selective reenlistment bonus (SRB). The applicant alleged that at the time he reenlisted he was told by his yeoman that he was eligible for an SRB. Subsequently, he discovered that he was not eligible for a Zone A SRB because he had more than six years of military service. Neither was he eligible for a Zone B SRB because he was not serving in pay grade E-5 at the time of his reenlistment. (The applicant was advanced to pay grade E-5 on September 1, 1999.) The applicant stated that if he had known that he would not be eligible for an SRB, he would not have reenlisted for six years on May 28, 1999.

The Chief Counsel of the Coast Guard recommended that the Board grant an alternative form of relief to the applicant by voiding his May 28, 1999 reenlistment contract and establishing a 2-year extension contract on August 24, 1999, the expiration date of his original enlistment.

The Chief Counsel stated that there is no authority to extend the applicant's original expiration of enlistment (August 24, 1999) for one month. He further stated that to remain on active duty, the applicant would have been required to reenlist or extend by August 24, 1999, if he had not done so earlier. Even if he had waited until August 24, 1999 to reenlist or extend, he still would not have been eligible for the SRB for the reasons discussed above.

Applicant's Response to the Views of the Coast Guard

On July 17, 2000, the applicant advised the Board that he agreed with the alternative relief recommended by the Chief Counsel.

FINDINGS AND CONCLUSIONS

The Board finds that the applicant is entitled to the relief recommended by the Chief Counsel. He was incorrectly advised that he was eligible for an SRB when he reenlisted on May 28, 1999. Subsequently, he learned that he was not eligible for an SRB. The Board is persuaded that if the applicant had known that he was not qualified for an SRB on May 28, 1999 he would not have reenlisted for six years at that time. Accordingly, the applicant's May 28, 1999 reenlistment should be voided and replaced with a two-year extension, dated August 24, 1999, the expiration date of his original enlistment.

ORDER

The application of _____ USCG, for correction of his military record is granted. His record shall be corrected to show that he extended his enlistment for two years on August 24, 1999. The six-year reenlistment dated May 28, 1999 is null and void.

