

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2000-077

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 February 23, 2000, after the Board received the applicant's completed application.

This final decision, dated December 14, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant, an xxxxxxxxxxxx on active duty in the Coast Guard, asked the Board to correct his military record to show that on October 25, 1998, he was discharged and reenlisted for six years. He alleged that the correction would make him eligible to receive a selective reenlistment bonus (SRB) under the ALDIST in effect at that time.

The applicant alleged that, prior to the end of his first enlistment on October 24, 1998, when a one-year extension he had previously signed was about to go into effect, he was told by his command that he was required to sign a further extension of at least one year because of a recent Centralized First Term Reenlistment Review (CFTRR) panel. He alleged that he was never counseled about SRBs when he signed his first extension contract and that when he signed the second extension on September 10, 1998, the Coast Guard failed to counsel him about his eligibility for an SRB. He alleged that if he had been properly counseled, he would have reenlisted for six years to be eligible for the SRB instead of merely extending his enlistment for one more year.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on October 25, 1994, for four years. On July 8, 1996, he extended this contract for one year, from October 25, 1996, through October 24, 1999, in order to obligate sufficient service to be allowed to attend A School. The extension contract he signed acknowledges that he was counseled about SRBs, but there is no form CG-3307 in his record formally documenting proper SRB counseling. The contract indicates that no SRB was authorized for his rating (AVT) at that time.

On March 29, 1998, the Commandant of the Coast Guard issued ALDIST 046/98, which allowed members to receive an SRB if they reenlisted or extended their current enlistments between April 1, 1998 and September 30, 1998. ALDIST 046/98 provided no SRB for members in the AVT rating.

On August 31, 1998, the Commandant issued ALDIST 206/98, which changed some of the ratings eligible for SRBs for members who extended or reenlisted on or after October 1, 1998. However, ALDIST 206/98 did not authorize any SRBs for members in the AVT rating.

On September 10, 1998, the applicant signed a second one-year extension contract, extending his enlistment from October 25, 1999, through October 24, 2000. The contract indicates that the extension was at his own request. The contract contains the same acknowledgement of SRB counseling and indicates that there was no SRB in effect for his rating at that time. On October 25, 1998, the applicant's first one-year extension became operative.

On November 24, 1998, ALDIST 290/98 was issued, immediately changing the ratings eligible for SRBs. Under ALDIST 290/98, members in the AVT rating who reenlisted or extended their enlistments on or after November 25, 1998, for at least three years could receive an SRB calculated with a multiple of one.

VIEWS OF THE COAST GUARD

On August 22, 2000, the Chief Counsel of the Coast Guard recommended that the Board deny the applicant's request.

The Chief Counsel stated that the extension contract the applicant signed on September 10, 1998, proves that he was properly counseled concerning SRBs. Moreover, he stated, even if the applicant had reenlisted or extended his enlistment for six years on that date or any time prior to the end of his enlistment on October 24, 1998, he would not have received an SRB because none was authorized for members in the AVT rating. Therefore, he argued, even if the Board were to find that the Coast Guard had erred by failing to require the applicant to sign a CG-3307 acknowledging formal SRB counseling, that error must be considered harmless because there was no SRB in effect for the applicant's rating.

APPLICABLE REGULATIONS

Paragraph 2 of Enclosure (1) to Commandant Instruction 7220.33 (Reenlistment Bonus Programs Administration) states that “[a]ll personnel with 14 years or less active service who reenlist or extend for any period, however brief, shall be counseled on the SRB program. They shall sign a page 7 [CG-3307] service record entry, enclosure (3), outlining the effect that particular action has on their SRB entitlement.”

Paragraph 3.a. of Enclosure (1) provides that, to be eligible to receive an SRB, the member must sign a reenlistment or extension contract of at least three years while an ALDIST authorizing an SRB for his rating is in effect.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submissions, 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. Under ALDIST 046/98, the applicant, as a member of the AVT rating, was not eligible for an SRB when he signed a one-year extension contract in September 1998. Nor were members in the AVT rating eligible for an SRB at any time in October 1998 under ALDIST 206/98, when his enlistment ended and his first extension went into effect. Therefore, the relief requested by the applicant—a six-year reenlistment dated October 25, 1998—would not make the applicant eligible for an SRB.

3. No SRB was available for members in the AVT rating until November 25, 1998, when ALDIST 290/98 went into effect. Because the applicant's first enlistment ended on October 24, 1998, he was required to have a reenlistment or extension contract signed and operative as of October 25, 1998.

4. CFTRR policy requires members to obligate at least two years of service past the end of their original enlistments. ALDIST 154/97. Moreover, voluntary extensions at the request of the member must be at least two years in length. Personnel Manual, Article 1.G.14.a.1. Therefore, to remain on active duty past October 24, 1998, the applicant was required to have already obligated service for at least another two years.

5. Under Article 1.G.17.b. of the Personnel Manual, members may reenlist or extend their enlistments only within the last three months of an enlistment, unless they are required to extend for a specific purpose, such as to attend school or accept overseas

orders. Therefore, the applicant's extension that went into effect on October 25, 1998, made him ineligible to reenlist or extend on November 25, 1998, when ALDIST 290/98 authorized an SRB for his rating.

6. Because the applicant was never eligible for an SRB prior to the end of his first four-year enlistment and was not eligible to reenlist or extend when an SRB went into effect for his rating on November 25, 1998, any failure on the part of the Coast Guard to counsel him properly or to document that counseling on a CG-3307 was harmless.

7. Accordingly, the applicant's request should be denied.

ORDER

The application for correction of the military record of XXXXXXXX, USCG, is hereby denied.

