

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

Application for Correction of  
Coast Guard Record of:

BCMR Docket  
No. 2000-115

**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 April 18, 2000, upon the BCMR's receipt of the applicant's complete application for correction of his military record.

This final decision, dated February 28, 2001, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant, a quartermaster first class (QM1; pay grade E-6), asked the Board to correct his record to show that the enlistment extension contract he signed on November 28, 1998, was for the purpose of "Participation in Tuition Assistance Program" rather than for the purpose of "Request of Individual." This change would allow the applicant to receive a full SRB payment for his three-year reenlistment on May 31, 1999.

**EXCERPTS FROM THE RECORD AND SUBMISSIONS**

The applicant enlisted in the Coast Guard on October 29, 1991. He extended this enlistment several times and it was due to expire on May 31, 1999. However, on November 25, 1998, the applicant again extended his enlistment for two years, with an operative date of June 1, 1999. He claimed this two year extension was for the purpose of obtaining tuition assistance, although the extension contract stated that the purpose of the extension was the request of the individual.

On May 31, 1999, prior to the operative date of the extension, the applicant reenlisted for three years, effectively canceling the earlier extension. On this date, he also signed an administrative remarks (page 7) entry stating that "my SRB will be computed based on 36 months of newly obligated service." The applicant stated that his SRB payment based on 36 months of newly obligated service would have been \$5,400. When he received his first installment he learned that he would only receive an SRB payment of \$1631.00, based on one year of newly obligated service.

The applicant stated that pursuant to COMDTINST 7220.33, he was entitled to cancel his two year extension prior to its operative date of June 1, 1999, and reenlist for a

longer period without loss of SRB entitlements. This provision permits members who have signed extension contracts for two years or less for the purpose of obtaining tuition assistance, etc., to cancel such extensions and reenlist for longer periods without being penalized through the loss of an SRB entitlement.

The applicant has alleged that his command erred when it marked request of individual as the reason for the extension rather than tuition assistance.

### **Views of the Coast Guard**

On October 5, 2000, the Chief Counsel recommended that the Board grant relief to the applicant on the condition that he submits additional evidence that his 1998 extension was for the purpose of participating in the tuition assistance program.

---

### **Applicant's Response to the Views of the Coast Guard**

On October 24, 2000, the Board received additional evidence from the applicant showing that on August 21, 1998, he applied for tuition assistance to attend a college in New York. He also submitted evidence of his enrollment in that college and the grade he received at the end of the semester. He also submitted a statement from a chief yeoman who corroborated the applicant's statement of events.

### **SELECTED EXCERPT FROM THE SRB INSTRUCTION**

Para. 3.d.(6) of enclosure (1) to COMDTINST 7220.33 (SRB Instruction), states that extensions of two years or less that were previously executed and were required of a member for tuition assistance may be canceled prior to their operative date for the purpose of immediate reenlistment without the loss of SRB entitlement.

### **FINDINGS AND CONCLUSIONS**

The Board makes the following findings and conclusions on the basis of the applicant's submissions, the Coast Guard's submission, 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 Board finds the applicant's command committed an error by marking "request of individual" as the reason for the November 28, 1998, extension contract rather than "participation in tuition assistance program."

3. The applicant properly canceled this extension prior to its operative date by reenlisting on May 31, 1999, for a three-year period. Pursuant to the SRB regulation, the two-year period covered by the extension should not be deducted from the applicant's SRB.

4. The Chief Counsel agreed with this grant of relief on condition that the applicant submits corroborating evidence that he applied for and participated in the tuition assistance program. The applicant has supplied the necessary evidence to satisfy the Board that his 1998 extension was for the purpose of obtaining tuition assistance.

5. Accordingly, the applicant's request should be granted.

---

**ORDER**

The application of QM1 : correction of his military record is granted. His record shall be corrected to show that the two-year extension contract he signed on November 25, 1998, was for the purpose of tuition assistance. Any liability that previously attached to the applicant's SRB payment as a result of the erroneous extension contact is removed. The Coast Guard shall pay the applicant the amount due him as a result of this correction.

