DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for the Correction of
the Coast Guard Record of:

FINAL DECISION
BCMR Docket No. 2001-005

SUMMARY OF THE RECORD

[redacted]

The applicant asked the Board for a Zone A selective reenlistment bonus (SRB). A 3-year extension contract he signed on February 18, 1999, to obligate sufficient service to accept transfer orders shows that he was promised a Zone A SRB under the terms of ALDIST 290/98. However, the extension did not become operative until the end of his enlistment on February 20, 2000, by which date he had completed more than 6 years of military service and was in Zone B. Therefore, he never received the Zone A SRB. The applicant submitted an affidavit from his commanding officer, who stated that the applicant had been erroneously counseled and should have been advised to cancel a previous 3-month extension and reenlist to receive the SRB.

On February 3, 2001, the Chief Counsel of the Coast Guard recommended that the applicant's record be corrected to show that he reenlisted for 3 years instead of extending. On July 13, 2001, he revised his recommendation because further review revealed that in February 1999, the applicant had to reenlist for at least 4 years to accept the transfer orders.

FINDINGS AND CONCLUSIONS

Under COMDTINST 7220.33, the applicant was entitled to proper counseling concerning his eligibility for an SRB. The Coast Guard erred when it advised him that his extension would entitle him to a Zone A SRB. If he had been properly counseled, he would have canceled his 3-month extension and reenlisted for 4 years to accept the transfer orders and receive the SRB instead of extending his enlistment for 3 years. Accordingly, relief should be granted.

ORDER

The military record of XXXXXXXXXX, USCG, shall be corrected to show that he reenlisted on February 18, 1999, for 4 years. The extension contracts he signed on February 24, 1997, and February 18, 1999, shall be null and void. The Coast Guard shall pay the applicant the amount due him under ALDIST 290/98 as a result of this correction.

[redacted]

Date: August 9, 2001

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TECHNICAL AMENDMENT

[redacted]

This is a proceeding conducted in accordance with 33 C.F.R. § 52.73 to consider a technical amendment to the order issued by the Board in Docket No. 2001-005.

This technical amendment, dated September 27, 2001, is signed by the three duly appointed members who were designated to serve as the board in this case.

HISTORY OF DOCKET NO. 2001-005

In Docket No. 2001-005, the applicant asked the Board to correct his record to qualify him for a selective reenlistment bonus (SRB). He had been erroneously counseled that he would receive an SRB if he extended his enlistment for 3 years on February 18, 1999. In fact, he needed to reenlist (rather than extend) for at least 4 years.

In a supplemental advisory opinion for the case, the Chief Counsel of the Coast Guard recommended that the Board grant relief by replacing the applicant's 3-year extension contract with a 4-year reenlistment contract and by voiding another extension contract dated February 24, 1997, which would have been cancelled had the applicant reenlisted on February 18, 1999. The Chief Counsel also stated that he would not object if the applicant chose to reenlist for 5 or 6 years, instead of 4, to receive a larger SRB.

The Board received no response to the supplemental advisory opinion from the applicant. On August 9, 2001, it granted relief by canceling the extensions and creating a 4-year reenlistment contract dated February 18, 1999.

REQUEST FOR TECHNICAL AMENDMENT

On September 24, 2001, the applicant telephoned the BCMR and stated that he had recently returned from being underway for several weeks and had received the supplemental advisory opinion and the Board's final decision simultaneously. He stated that if he had received the supplemental advisory opinion on time, he would have asked for a 6-year reenlistment contract. On the same day, the Chief Counsel's office indicated that it would not object if the Board amended its order to lengthen the applicant's reenlistment contract from 4 to 6 years.

FINDINGS AND CONCLUSIONS

1. The applicant apparently missed his opportunity to respond to the supplemental advisory opinion because of his cutter's underway schedule. If he had not been underway, he would have submitted a written request for a 6-year reenlistment contract, as suggested by the Chief Counsel.

2. The Chief Counsel does not object to the requested amendment, increasing the applicant's reenlistment (and thus his SRB) from 4 to 6 years.

3. Accordingly, the order in Docket No. 2001-005 should be amended to lengthen the applicant's new reenlistment contract from 4 to 6 years.

AMENDED ORDER

The military record of XXXXXXXXXXXXXXXXX, USCG, shall be corrected to show that he reenlisted on February 18, 1999, for 6 years. The extension contracts he signed on February 24, 1997, and February 18, 1999, shall be null and void. The Coast Guard shall pay the applicant the amount due him as a result of this correction.