

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

Application for Correction of  
Coast Guard Record of:

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

BCMR Docket  
No. 2002-028

**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 on January 29, 2002, upon the BCMR's receipt of the applicant's complete application for correction of her military record.

This final decision, dated September 12, 2002, is signed by the three duly appointed members who were designated to serve as the Board in this case.

The applicant alleged that she was not properly counseled regarding the option of reenlisting on her sixth active duty anniversary in order to receive a selective reenlistment bonus (SRB). She stated that proper counseling should have included the fact that she was eligible for a Zone A SRB on her sixth active duty anniversary, July 5, 2000.

On July 5, 1994, the applicant enlisted in the Coast Guard for four years. On May 1, 1998, she extended her enlistment for three years. On December 9, 1998, she further extended for four months to attend training. On August 25, 2000, she again extended for a period of 12 months.

On April 6, 2000, approximately three months prior to the applicant's sixth active duty anniversary, she was given an administrative remarks (page 7) entry, in which she was advised of the following:

I have been advised that my current selective reenlistment bonus (SRB) multiple is N/A and is listed in ALDIST 184/99, which has been made available to me. I am eligible to reenlist/extend my enlistment up to a maximum of 6 years. My SRB will be computed based on N/A months of newly obligated service. I must reenlist on or 3 months prior to [July 6, 2000] which is my [sixth year] active duty anniversary date, in order to receive a Zone A SRB. I hereby acknowledge that I have read and fully understand the contents and explanation of COMDTINST 7220.33 (SERIES).

ALDIST 184/99 on which the applicant was counseled did not contain an SRB multiple for the HS rating. However, on May 19, 2000, ALCOAST 218/00 was issued authorizing a multiple of .5 for the HS rating. The multiples announced in ALCOAST 218/00 became effective on July 1, 2000. (The applicant sixth active duty anniversary was July 5, 2000.) The applicant was not counseled with respect to the SRB opportunity available under ALCOAST 218/00.

When the applicant extended her enlistment for one year on August 25, 2000 with an operative date of November 5, 2001, she acknowledged the following entry.

I have been provided with a copy "SRB Questions and Answers: based on Commandant Instruction 7220.33 (series). I have been informed that: My current Selective Reenlistment Bonus (SRB) multiple under Zone A is 1/2 and is listed in ALCOAST 218/00, which has been made available for review. I further understand the eligibility requirements for Zone A, B, and C. SRBs and that the maximum SRB paid to my current pay grade is \$45,000. My SRB will be computed based on 12 months newly obligated service.<sup>1</sup>

The applicant's military record contains a four-year enlistment contract signed on October 10, 2001, which is marked "deleted". The applicant explained that as she approached the end of her enlistment and prior to the operative date of her August 25, 2000 one-year extension, she inquired about an SRB and was told that one was available. She therefore requested the cancellation of her August 25, 2000 extension and reenlisted for four years on October 10, 2001 for a Zone B SRB. She stated that when she did not receive the first allotment in December 2001, she contacted her Personnel Reporting Unit. She was then told that she was not entitled to an SRB. (The applicant was not eligible for a Zone B SRB because she was not serving in pay grade E-5 or higher at the time of her attempted reenlistment.) The applicant stated that she "signed the [reenlistment] contract in . . . November under the presumption that I would receive that SRB only to have someone tell me, after I budgeted and planned for that money, that I was not entitled to it, this is an injustice and violates the Good Faith and contractual laws." The applicant stated that since the Coast Guard refused to honor the reenlistment contract, she was given the option of canceling it, which she did. However, the August 25, 2000 extension was reinstated.

The applicant stated that when the 12 month extension became operative on November 5, 2001, she did not received an SRB payment because she had exceeded six years, the maximum time allowed for payment of a Zone A SRB by one month and twenty days.

The applicant submitted a letter from her commanding officer (CO) recommending that the Board grant the applicant's request for relief. He stated that "if proper counseling was done, [the applicant] would have cancelled the two extensions

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<sup>1</sup> According to the SRB regulation, a member must enlist or extend for a minimum of 36 months to receive an SRB.

for 16 months and reenlisted for a period of five years.” He stated that the applicant was not counseled on the May 19, 2000 ALCOAST announcing new SRB multiples.

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

On June 24, 2002, the Board received an advisory opinion from the Chief Counsel of the Coast Guard. He recommended that the Board deny the request for relief.

The Chief Counsel stated that the evidence contradicts the applicant’s claim that she was not counseled with respect to her option to reenlist for the purposes of obtaining an SRB on her sixth year enlistment anniversary. He stated that the record reveals that on April 6, 2000, the applicant was properly counseled in accordance with the SRB regulation. He further stated there is no requirement that the Coast Guard re-counsel its members about a subsequent ALCOAST announcing new SRB multiples.

The Chief Counsel further stated as follows:

The record reveals that Applicant, a 6-year service veteran in July 2000, had received SRB counseling on three occasions prior to July 2000 in addition to her April 2000 SRB counseling<sup>2</sup> . . . Those counseling sessions would have included information indicating that SRB messages are disseminated without notice and at random time intervals. . . Hence, Applicant was on notice as to possible SRB multiple changes that might increase or decrease the bonus amount to which the member would be entitled.

[O]ne month after her 6-year service anniversary, Applicant failed to take advantage of an opportunity to extend or reenlist for a SRB by failing to obligate sufficient service to qualify for a SRB. Taken together with her lengthy delay in making application to the Board for relief and her average performance history, the Board should conclude that the equities do not tip in favor of granting relief.

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

On June 10, 2002, the Board received the applicant’s reply to the views of the Coast Guard. She disagreed with them.

The applicant stated that just because “you sign that line on your contract about SRBs . . . does not mean that you have been counseled correctly.” She stated that she and others rely on the yeomen to be knowledgeable about their jobs and capable of informing service members about matters that affect their careers and financial situations.

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<sup>2</sup> The applicant’s extension of enlistments dated December 9, 1998 and May 1, 1998, each contained an SRB Eligibility Acknowledgement clause, which contained the same information as that on the August 25, 2000 extension, except she was told that her SRB bonus was N/A (not applicable) and was listed in ALDIST N/A.

## APPLICABLE REGULATIONS

Enclosure (1) to COMDTINST 7220.33, Section 3.b.(3), states, in pertinent part, as follows: "Members with exactly 6 years active duty on the date of reenlistment or operative date of extension will be entitled to the Zone A multiple in effect for their rating if they are otherwise eligible. . . ."

Section 3.d.(9) of COMDTINST 72230.33 states, in pertinent part, as follows: "Commanding officers are authorized to effect early discharge and reenlist members within 3 months prior to their 6<sup>th</sup>, 10<sup>th</sup>, or 14<sup>th</sup> year active service anniversary dates (not to be confused with the normal expiration of enlistment), for the purpose of qualifying for a Zone A, B, or C SRB respectively."

## FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on the applicant's submissions and military record, the Coast Guard's submission, 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 that the applicant was counseled within three months of her sixth active duty anniversary date as required by COMDTINST 7220.33. At the time the applicant received this counseling on April 6, 2000, there was no SRB multiple available for her rating.

3. However approximately one month later on May 19, 2000, ALCOAST 218/00 was published announcing an SRB multiple of .5 for the applicant's rating. The Coast Guard did not counsel the applicant about this ALCOAST. The applicant had only a small window of opportunity to take advantage of this SRB. The multiples became effective on July 1, 2000 and the applicant's sixth anniversary on active duty was July 5, 2000. According to the SRB regulation the applicant could have no more than six years of service on the date of reenlistment or the date an extension becomes operative to qualify for a Zone A SRB. Therefore, any reenlistment or operative extension after July 5, 2000 would not qualify for a Zone A SRB.

4. Contrary to the Coast Guard's arguments, it had a responsibility to counsel the applicant about her SRB opportunity under ALCOAST 218/00 even though she had already been counseled on April 6, 2000, which was within 3 months of her sixth anniversary on active duty. The Deputy General Counsel has ruled that enlisted members are to be fully advised about their SRB opportunities. See BCMR No. 1999-022. The counseling the applicant received on April 6, 2000 dealt with SRB multiples available under ALDIST 184/99 but not ALCOAST 218/00. In addition, the applicant's CO admitted that the applicant was not counseled about the SRB opportunity available to her under ALCOAST 218/00. The Coast Guard committed an error by not counseling the applicant about ALCOAST 218/00.

5. The Coast Guard's argument that the applicant should have known to seek information about future SRB announcements since she had received previous SRB counseling is not persuasive, particularly in light of BCMR No. 1999-022. In addition, Enclosure (1) to COMDTINST 7220.33, Section 3.b.(3) states, in pertinent part, as follows: "Members with exactly 6 years active duty on the date of reenlistment or operative date of extension will be entitled to the Zone A multiple in effect for their rating if they are otherwise eligible . . ." [Emphasis added.] The Coast Guard has not established that the applicant was not otherwise eligible for this SRB. The Board is not convinced that the applicant should have somehow known about ALCOAST 218/00 since these announcements are sent to the commands and not individual members.

6. The Board notes that the applicant's unit yeomen were just as confused about the SRB regulation as she was. In a August 25, 2000 extension of her enlistment, the applicant's unit promised her an SRB based on 12 months of newly obligated service, when the SRB regulation clearly states that a member must obligate for a minimum of 36 months to qualify for an SRB. On October 10, 2001, the applicant's unit attempted to reenlist her with a promise of a Zone B SRB for which she was not eligible because she was not serving in pay grade E-5, as required by the SRB regulation. If the Board were to deny this case, it would be requiring the applicant to have a greater knowledge of the SRB regulation than that possessed by those responsible for providing SRB guidance and advice to her.

7. Accordingly, the Board finds that the applicant is entitled to relief.

**ORDER**

The application of XXXXXXXXXXXXXXXXXXXX, USCG, for the correction of her military record is granted. Her application shall be corrected to show that on July 5, 2000, her sixth anniversary on active duty she reenlisted for five years for a Zone A SRB. The extension agreements signed on December 9, 1998 and August 25, 2000 are cancelled. The Coast Guard shall pay the applicant the amount she is due as a result of this correction.

