


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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2002-095

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

FINAL DECISION


This proceeding was conducted under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The application was docketed on May 8, 2002, upon the BCMR's receipt of the applicant's completed application.

This final decision, dated February 4, 2003, is signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST

The applicant asked the Board to correct his record to show that he reenlisted for six years on February 5, 2001, to receive a selective reenlistment bonus (SRB) calculated with a multiple of 2.5 in accordance with ALCOAST 488/00. He stated that he had missed the opportunity to reenlist for an SRB because he was convalescing. He also asked the Board to correct two short-term extension contracts entered in his record while he was convalescing and to void an indefinite reenlistment contract he signed on July 16, 2001.

SUMMARY OF THE APPLICANT'S ALLEGATIONS AND RECORD

On March 5, 1991, the applicant enlisted in the Coast Guard. While working on an xxxxxxxxxxxxxxxx tower on xxxxxxxx, 199x, he fell xx feet and incurred multiple injuries to his spine, head, shoulder, ribs, wrist, and soft tissues. On March 28, 2000, while he was still recovering, an Initial Medical Board (IMB) was convened to assess his condition. The IMB determined that he was fit for limited duty for the following six months (no sea duty or lifting more than ten pounds) and that he was expected to

become fit for full duty so that no further processing under the Physical Disability Evaluation System was necessary.

While still in recovery and performing limited duty, the applicant's enlistment terminated on August 4, 2000. He wanted to extend his enlistment or reenlist but was told that he could not do so while he was still recovering and fit for only limited duty. Instead, he was given an involuntary six-month extension, which went into effect on August 5, 2000. On February 5, 2001, because he was still recovering from his injuries and assigned to limited duty, he was again given an involuntary six-month extension, through August 4, 2001.

The applicant's tenth anniversary on active duty, which is the end of Zone B,¹ occurred on March 5, 2001. Under ALCOAST 488/00, which was in effect from February 1 through April 30, 2001, no SRB multiple was authorized for members in the MK rating in Zone B on that day. In fact, throughout the four years during which the applicant was in Zone B, from March 5, 1997, through March 5, 2001, no Zone B SRB multiple was ever authorized for the MK rating.²

On July 16, 2001, after his command received notice that he was fit for full duty, the applicant was allowed to reenlist indefinitely in the Coast Guard.

The applicant alleged that, because he was never found to have a temporary or permanent physical disability, he should not have been given the two six-month involuntary extensions and he should have been allowed to extend or reenlist for a long term to receive an SRB. In support of his allegation, he submitted several letters from his chain of command stating that the applicant should have been allowed to reenlist to receive the maximum SRB prior to his tenth anniversary.

VIEWS OF THE COAST GUARD

On October 28, 2002, the Chief Counsel submitted an advisory opinion in which he recommended that the Board grant the applicant's request by reenlisting him for six years on his tenth anniversary. The Chief Counsel stated that because the applicant was later found fit for full duty, clearly intended to reenlist, and promptly sought relief, his request should be granted "based on the equities of this case."

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

¹ SRBs vary according to the length of each member's active duty service, the length of the reenlistment or extension of enlistment, and the need of the Coast Guard for personnel in the member's skill rating. Coast Guard members who have served between 21 months and 6 years on active duty are in "Zone A." Those with at least 6 years but fewer than 10 years of active service are in "Zone B." Members may not receive more than one bonus per zone.

² See ALDISTs 135/97, 226/97, 046/98, 206/98, 290/98, and 184/99; and ALCOASTs 184/99, 218/00, and 488/00.

On November 4, 2002, the BCMR sent the applicant a copy of the advisory opinion and invited him to respond within 15 days. The applicant responded on November 12, 2002, stating that he agreed with the Chief Counsel's recommendation.

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 10 U.S.C. § 1552. The application was timely.

2. The applicant asked the Board to make certain corrections to his record so that, under ALCOAST 488/00, he would receive an SRB for a six-year reenlistment dated February 5, 2001. The Chief Counsel of the Coast Guard recommended that the Board reenlist him instead on his tenth active duty anniversary, March 5, 2001, for the SRB.

3. The applicant enlisted on March 5, 1991, and so was in Zone B from March 5, 1997, to March 5, 2001. At no time during those four years was a Zone B SRB ever authorized for members in the MK rating.³ From February 1 through April 30, 2001, ALCOAST 488/00 was in effect. It authorized an SRB calculated with a multiple of 2.5 for members in the MK rating in Zone A, but it did not authorize any SRB multiple for those in Zone B like the applicant.

4. Because no Zone B SRB was ever authorized for the applicant's rating while he was in Zone B, neither the corrections he requested nor the correction the Chief Counsel recommended would cause him to be entitled to an SRB. In fact, there is no correction that the Board could make to his enlistment or extension contracts that would cause him to be eligible for a Zone B SRB under the law.

5. Under ALCOAST 127/01, a Zone B multiple was authorized for members in the MK rating who reenlisted after May 1, 2001. However, by that date, the applicant was already in Zone C, for which no SRBs were authorized.

6. Whether the applicant was legally entitled to extend or reenlist for a long period while he was convalescing is irrelevant to the Board's decision in this matter because under the various ALDISTs and ALCOASTs in effect while he was in Zone B, he was never eligible for an SRB.

³ *Id.*

7. Because the applicant requested the revisions to his contracts solely because he believed they would make him entitled to an SRB and because his belief was erroneous, the Board finds no reason to correct his record.

8. Accordingly, the application should be denied.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of xxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is denied.

