

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2004-005

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 October 20, 2003, upon the BCMR's receipt of the applicant's completed application.

This final decision, dated June 30, 2004, 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 asked the Board to correct his military record to make him entitled to a Zone B selective reenlistment bonus (SRB)¹ with a multiple of 2.5 instead of the 2.0 multiple he actually received. He alleged that upon reenlisting on May 22, 2003, he was promised an SRB with a multiple of 2.5. However, after reenlisting he was paid a Zone B SRB with a multiple of 2.0 because the higher 2.5 multiple did not become effective until July 1, 2003.

The applicant's yeoman stated that the applicant was told that he would be involuntarily extended at the expiration of his then current enlistment (May 27, 2003). The yeoman further stated that if the applicant had not been told that he would have

¹ SRBs vary according to the length of each member's active duty service, the number of months of service newly obligated by the reenlistment or extension of enlistment contract, and the need of the Coast Guard for personnel with the member's particular skills, which is reflected in the "multiple" of the SRB authorized for the member's skill/rating, which is published in an ALCOAST. Coast Guard members who have at least 6 but no more than 10 years of active duty service are in "Zone B." Article 3.C., Coast Guard Personnel Manual.

been involuntarily extended on active duty, he would have opted to enlist in the Reserve and not to remain on active duty.

SUMMARY OF THE RECORD

On August 8, 1995, the applicant enlisted in the Coast Guard for a term of four years and has served continuously since that time. On May 28, 1999, he reenlisted for four years. On May 22, 2003 he reenlisted for six years wherein he was promised a Zone B SRB with a multiple of 2.5.

VIEWS OF THE COAST GUARD

In March 2004, the Judge Advocate General (TJAG) of the Coast Guard recommended that the Board grant relief, as follows: (1) void the May 22, 2003 reenlistment contract; (2) extend the applicant for two months on May 28, 2003; and (3) reenlist the applicant for six years on July 28, 2003, thereby qualifying him for the 2.5 SRB multiple under ALCOAST 182/03.

TJAG stated that the record supports the applicant's contention that he was erroneously counseled about the SRB multiple. He further stated that the record supports the claim that the applicant would have been involuntarily extended by the command upon the expiration of his then current enlistment.

APPLICANT'S RESPONSE TO THE COAST GUARD'S VIEWS

On March 15, 2004, a copy of the Coast Guard views was mailed to the applicant for his response. He did not submit a reply.

APPLICABLE REGULATIONS

Coast Guard Personnel Manual

Article 3.C.6. (Change in Multiple) states the following:

All Agreements to Extend Enlistments signed before the effective date of the change will be at the old multiple level. All agreements made on or after the effective date of the change will be at the new level. Members desiring to extend their enlistments or reenlist early to take advantage of a higher bonus multiple may do so within the provisions of this chapter and or Articles 1.G.14 and 12.B.7 [of this instruction].

Pertinent ALCOASTS

ALCOAST 182/03 was issued on April 24, 2003, and became effective on July 1, 2003. It established SRB multiples for personnel in certain skill ratings who reenlisted or extended their enlistments for at least three years and up to six years. Under ALCOAST 182/03, BM2s were eligible for a Zone B SRB calculated with a multiple of two and were entitled to an additional .5 multiple for having certain competency codes.

ALCOAST 329/02 was issued on July 3, 2002 and was effective from August 5, 2002 through June 30, 2003. It established a multiple of 2 for BM2s and above but did not authorize the additional .5 for having certain competency codes.

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. When the applicant reenlisted on May 22, 2003, his then enlistment was due to expire on May 27, 2003. Therefore, he was required either to extend his enlistment or reenlist by the expiration date of his then current enlistment, or he would have been discharged from the Coast Guard, unless involuntarily extended. There is evidence in the record that the applicant's command intended to involuntarily extend him on active duty at the expiration of his enlistment.

3. The applicant decided to reenlist for six years after he was erroneously counseled that he would be entitled to a Zone B SRB with a 2.5 multiple. After he reenlisted on May 22, 2003, he was paid a Zone B SRB with a multiple of 2.0 because the higher multiple did not become effective until July 1, 2003. The applicant's reenlistment contract and an administrative remarks (page 7) entry erroneously advised the applicant that he would receive a multiple of 2.5.

4. If the applicant had been properly counseled, he would have been advised that because he was being involuntarily extended on active duty for the convenience of the Government, he was eligible for a short-term extension. The applicant should have been further counseled that the 2.5 multiple did not become effective until July 1, 2003 and that since he was being involuntarily extended, he was eligible for a short-term extension. Accordingly, it would not violate the regulation to extend the applicant for two months effective May 28, 2003 and subsequently to reenlist him on July 28, 2003 so that he is eligible to receive a Zone B SRB, with a multiple of 2.5.

5. Accordingly, the applicant is entitled to the relief discussed above.

ORDER

The application of XXXXXXXXXXXXXXXX, USCG, for correction of his military record is granted. His record shall be corrected to show that he was involuntarily extended for the convenience of the government for two months effective May 28, 2003. His May 22, 2003 reenlistment contract shall be corrected to show that he reenlisted on July 28, 2003, for six years for which he was entitled to a Zone B SRB with a multiple of 2.5 under ALCOAST 182/03. The Coast Guard shall pay the applicant the sum to which he is entitled as a result of this correction.

