

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

Application for the Correction of
the Coast Guard Record of:

**FINAL DECISION
BCMR Docket No. 2004-048**

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SUMMARY OF THE RECORD

The applicant asked the Board to correct his record to show that he reenlisted for 6 years on July 1, 2003, instead of June 13, 2003, to enable him to receive a selective reenlistment bonus (SRB) with a multiple of 2.5. He alleged that in June 2003, he needed to extend his enlistment, which was due to end on June 7, 2004, for at least one month in order to accept transfer orders and report to his new unit on June 23, 2003. Article 4.B.6.a.2. of the Personnel Manual provides that members with more than six years of active duty "are required to have one year of OBLISERV remaining upon reporting to the new unit." His yeoman advised him that he could receive an SRB with a multiple 2.5 if he reenlisted instead of extending for just one month. However, he received an SRB with a multiple of only 2.0 because the extra 0.5 multiple for coxswains provided in ALCOAST 182/03 did not go into effect until July 1, 2003. The applicant's contract and a page 7 in his record both show that he was erroneously counseled that he would receive an SRB with a multiple of 2.5 based on 60 months of newly obligated service in exchange for his June 2003 reenlistment even though under ALCOAST 329/02, which was still in effect at the time, the multiple for his rating was just 2.0.

The Judge Advocate General of the Coast Guard (TJAG) recommended that the Board grant the applicant's request because the record supports his allegation that he was not properly counseled. TJAG alleged that it is reasonable to assume that if the applicant had been properly counseled, he would have extended his enlistment for just one month and then reenlisted in July 2003.

FINDINGS AND CONCLUSIONS

Under Article 3.C. of the Personnel Manual, the applicant was entitled to proper counseling concerning his eligibility for an SRB under ALCOASTs 329/02 and 182/03. He has proved that he was not properly counseled. Although TJAG alleged that the applicant could have reenlisted in July 2003, there was no legal authority to reenlist him in July 2003. The applicant had to obligate service prior to his reporting date, June 23, 2003. After reporting to his new unit, he was not authorized to sign another contract in July 2003 because his enlistment was not due to end until June 7, 2004. Under Article 3.C.5.6., on June 8, 2004, the applicant would have been entitled to cancel his one-month extension and reenlist for 6 years to receive the SRB with a multiple of 2.5. Moreover, waiting to reenlist until the end of his enlistment, as required by the Personnel Manual, would have benefited the applicant by entitling him to an SRB undiminished by previously obligated service. Under Article 3.C.7., SRB payments are made only for months of newly obligated service. If the Board corrected his record to show that he reenlisted in July 2003, as TJAG recommended, his SRB would be reduced by the 11 months of service remaining to run on his prior enlistment. The Board's policy is to correct an applicant's record to appear as it would have if he had received proper counseling. The Board finds that, if the applicant had been properly counseled, he would have extended his enlistment for one month on June 13, 2003, instead of reenlisting, and that on June 8, 2004, he would have canceled that extension and reenlisted for 6 years. Accordingly, this relief should be granted.

ORDER

The military record of xxxxxxxxxxxxxxxxxxxx, USCG, shall be corrected to show that on June 13, 2003, he extended his enlistment for one month, from June 8, 2004, through July 7, 2004, for the purpose of OBLISERV. The reenlistment contract that he signed on June 13, 2003, shall be null and void. His record shall be further corrected to show that on June 8, 2004, he canceled the one-month extension contract and reenlisted for 6 years. The Coast Guard shall pay him the amount due under ALCOAST 182/03 as a result of this correction.

August 19, 2004
Date

