

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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2004-147**

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**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 July 2, 2004, upon the BCMR's receipt of the applicant's completed application.

This final decision, dated February 10, 2005, 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 record by voiding his 4-year reenlistment contract dated May 11, 2000, and replacing it with a 4-year reenlistment contract dated February 8, 2000, to receive a 6<sup>th</sup> active duty anniversary<sup>1</sup> Zone A selective reenlistment bonus (SRB).<sup>2</sup> The applicant alleged that he was never counseled that he could reenlist on his 6<sup>th</sup> anniversary of active service with the Coast Guard to receive a 6<sup>th</sup> anniversary SRB. The applicant further alleged that because he missed his

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<sup>1</sup> The anniversary date is the date that exactly corresponds to the date the member came on active duty. This applicant came on active duty on February 8, 1994, and his 6<sup>th</sup> anniversary date was February 8, 2000. Personnel Manual, Article 3.C.2.

<sup>2</sup> SRBs allow the Coast Guard to offer a reenlistment incentive to members who possess highly desired skills at certain points during their career. 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 21 months but no more than 6 years of active duty service are in "Zone A", while those who have more than 6 but less than 10 years of active duty service are in "Zone B". Members may not receive more than one SRB per zone. Personnel Manual, Article 3.C.4.a. and 3.C.4.b.

opportunity to reenlist for a Zone A SRB, he received a Zone B SRB for reenlisting on May 11, 2000, which prevented him from receiving another Zone B SRB for his January 30, 2004, reenlistment. The applicant alleged that if he had been properly counseled, he would have reenlisted on February 8, 2000 (his 6<sup>th</sup> anniversary), for a Zone A SRB, and then reenlisted on January 30, 2004, for a Zone B SRB.

### **SUMMARY OF THE RECORD**

On February 8, 1994, the applicant enlisted in the Coast Guard for a term of 4 years, through February 7, 1998. On May 31, 1996, the applicant signed a 9-month extension contract for school/training purposes. The extension obligated him to serve through November 7, 1998. The applicant extended his enlistment again on November 7, 1998, for 2 years, through November 7, 2000. The applicant was promoted to E5 in October 1999.

The applicant's 6<sup>th</sup> anniversary date in the Coast Guard was February 8, 2000, but there is nothing in the record indicating that he was counseled regarding his entitlement to a 6<sup>th</sup> anniversary SRB. The record contains a memorandum from a chief yeoman at the applicant's current duty station, in which he alleged that the applicant was not properly counseled regarding his eligibility for a 6<sup>th</sup> anniversary SRB.

The applicant reenlisted for another 4 years on May 11, 2000, for obligated service purposes, and received a Zone B SRB pursuant to ALCOAST 184/99. On January 30, 2004, the applicant reenlisted for another 6 years and was counseled that he would receive a 10<sup>th</sup> anniversary Zone B SRB pursuant to ALCOAST 182/03. The record contains an administrative remarks (page 7) signed by the applicant acknowledging that he was counseled regarding a 10<sup>th</sup> anniversary SRB.

### **VIEWS OF THE COAST GUARD**

On October 19, 2004, the Judge Advocate General (TJAG) of the Coast Guard recommended that the Board grant the applicant's request. He opined that if the applicant had been properly counseled, he would have reenlisted on his 6<sup>th</sup> anniversary of February 8, 2000, to receive a Zone A SRB. TJAG also stated that by giving the applicant his 6<sup>th</sup> anniversary SRB, he would also be eligible for a Zone B SRB for his January 30, 2004, reenlistment.

### **APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On November 4, 2004, the BCMR sent the applicant a copy of TJAG's advisory opinion and invited him to respond within 15 days. He responded on November 10, 2004, and did not object to TJAG's findings.

### **APPLICABLE REGULATIONS**

Article 3.C.11.2. of the Personnel Manual provides that a CG-3307 (page 7) entry shall be made for personnel within 3 months prior to their 6<sup>th</sup> and 10<sup>th</sup> year active duty anniversary date to document counseling concerning their eligibility for a SRB by reenlisting on their anniversary.

Article 3.C.3. provides that "all personnel with 10 years or less of active service who reenlist or extend for any period, shall be counseled on the SRB program. They shall sign an Administrative Remarks, CG-3307 (Page 7), ... outlining the effect that particular action has on their SRB entitlement."

ALCOAST 184/99 was in effect from January 1, 2000, through June 30, 2000. Under ALCOAST 184/99, members who were DC2s were eligible for a Zone A SRB calculated with a multiple of 0.5.

ALCOAST 182/03 was in effect from July 1, 2003, through July 31, 2004. Under ALCOAST 182/03, members who were DC2s were eligible for a Zone B SRB calculated with a multiple of 1.

## **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. Under Article 3.C.11.2. of the Personnel Manual, the applicant was entitled to proper counseling concerning his eligibility for a 6<sup>th</sup> anniversary SRB within 3 months prior to his 6<sup>th</sup> anniversary date of February 8, 2000. There is nothing in the record which indicates the applicant was counseled about his eligibility for a 6<sup>th</sup> anniversary SRB, and TJAG's advisory opinion noted that "[t]he record does not document that the counseling took place and therefore, aids in supporting applicant's allegation of error." In addition, the record contains a letter from a chief yeoman at the applicant's current duty station alleging that the applicant was not counseled by his previous unit regarding his eligibility for a 6<sup>th</sup> anniversary SRB.

3. The applicant has proved by a preponderance of the evidence that he was not counseled regarding his eligibility for a 6<sup>th</sup> anniversary SRB. When an applicant proves, as this applicant has, that he did not receive proper counseling, the Board's policy is to return the applicant to the position he would have been in had he been properly counseled. If the applicant had been properly counseled, he would have been told that, in accordance with Article 3.C.11.2. of the Personnel Manual, he was eligible

to reenlist on February 8, 2000, to receive a 6<sup>th</sup> anniversary Zone A SRB pursuant to ALCOAST 184/99. In light of the fact that he was willing to reenlist for 4 years on May 11, 2000, the Board finds that he has shown by a preponderance of the evidence, that if he had been properly counseled in February 2000, he would have reenlisted for 4 years on this 6<sup>th</sup> anniversary.

4. The applicant also alleged that the Coast Guard's failure to counsel him regarding his 6<sup>th</sup> anniversary SRB had a deleterious effect on his future SRBs. The Board agrees. Because the Coast Guard did not counsel the applicant that he was eligible for a 6<sup>th</sup> anniversary Zone A SRB, the applicant was ineligible for a Zone A SRB when he reenlisted on May 11, 2000, because he was beyond the 6-year service mark.<sup>3</sup> Accordingly, the applicant received a Zone B SRB for his May 11, 2000, reenlistment. The deleterious effect manifested itself when the applicant reenlisted again in January 2004. On January 30, 2004, the applicant reenlisted for another 6 years, and although he was counseled that he would receive an SRB, he was not eligible for a 10<sup>th</sup> anniversary Zone B SRB because he had already received a Zone B SRB for his May 2000 reenlistment. Pursuant to Article 3.C.4.b., a member cannot receive two Zone B SRBs. The Board finds that the Coast Guard's failure to counsel the applicant about his 6<sup>th</sup> anniversary SRB deprived him of not only a Zone A SRB, but also of a Zone B SRB for his January 2004 reenlistment.

5. Accordingly, the applicant's request should be granted.

**[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]**

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<sup>3</sup> The applicant received a Zone B SRB for his May 11, 2000, reenlistment because on that date he had more than 6 years of active service, and Zone A SRBs are only available to members with less than 6 years of service.

**ORDER**

The application of XXXXXXXXXXXXXXXXXXXXXXXXXX, USCG, for correction of his military record is granted as follows:

The record shall be corrected by voiding the applicant's 4-year reenlistment contract dated May 11, 2000, and replacing it with a 4-year reenlistment contract dated February 8, 2000. The Coast Guard shall pay the applicant any amounts due the applicant under ALCOAST 184/99 as a result of this correction.

In addition, the record shall be corrected to show that the applicant is entitled to a Zone B SRB for his January 30, 2004, 6-year reenlistment. The Coast Guard shall pay the applicant any amounts due under ALCOAST 182/03.

