

**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. 2009-194**

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

SUMMARY OF THE RECORD

The applicant asked the Board to correct his record to show that he reenlisted on March 13, 2008, instead of signing a 5-year extension of enlistment contract on that day. The applicant alleged that he was promised a Zone B selective reenlistment bonus (SRB) for the extension but never received one because the operative date of the extension contract, May 1, 2009, fell after his 10th active duty anniversary, which was July 13, 2008. He alleged that he needed to obligate service to accept transfer orders to report to a new unit on May 8, 2008. However, he was told he had to sign an extension contract, rather than a reenlistment contract, because his end of enlistment (EOE) was not until April 30, 2009. The applicant's March 13, 2008, extension contract states that he was eligible for a Zone B SRB under ALCOAST 304/07.

The Judge Advocate General (JAG) recommended that the Board grant relief. He stated that the SRB should have been paid for the 5-year extension and that the lack of payment probably resulted from a glitch in the system. The JAG recommended that the Board authorize payment of the SRB for the extension contract. Upon receipt of the JAG's recommendation, the applicant agreed with it.

FINDINGS AND CONCLUSIONS

Article 3.C.4.b.3. of the Personnel Manual states that to be eligible for a Zone B SRB, the member must "[h]ave completed at least 6 but not more than 10 years active service on the date of reenlistment or the operative date of the extension." Article 3.C.2.6. states that the operative date is "[t]he date the extension begins to run." In addition, Article 1.G.19. states that "[u]nless canceled for one of the reasons in Article 1.G.20, an Agreement to Extend Enlistment becomes operative on the date next following the normal date the enlistment expires." The applicant was in Zone B when he signed the extension contract on March 13, 2008, because his 10th anniversary on active duty was June 13, 2008. However, the operative date of his extension, May 1, 2009, fell after his 10th anniversary—i.e., outside of Zone B. Therefore, the applicant's failure to receive an SRB for the extension contract was not the result of a glitch, but of his ineligibility to receive an SRB through any extension contract since any extension would not become operative until May 1, 2009, well past his 10th anniversary.

The applicant alleged that he had to obligate additional service to accept his transfer orders. In addition, he was told that he could not reenlist to obligate the additional service because he was not near his EOE. Under Article 4.B.6.a. of the Personnel Manual, to accept transfer orders, members with more than 6 years of service must have at least one full year of service remaining upon reporting to their new unit. Therefore, as he alleged, the applicant could not accept his orders to transfer on May 8, 2008, without obligating additional service because

his EOE was April 30, 2009. The Personnel Manual authorizes a commanding officer to discharge and reenlist members only within the 3 months prior to their EOE or their 6th, 10th, or 14th anniversary on active duty. See Personnel Manual, Arts. 3.C.5.9. and 12.B.7.b. The applicant was not within 3 months of his EOE or one of these anniversaries on March 13, 2008. Therefore, as his command advised him, there was no apparent authority under the Personnel Manual to discharge and reenlist him on March 13, 2008.

Article 1.G.18. of the Personnel Manual states “[f]or certain purposes ... such as ... duty requiring additional obligated service, ... an individual may extend his or her enlistment considerably in advance” of the EOE. Article 1.G.15.a. states that members may extend their enlistments up to 6 years to obligate sufficient service to accept their transfer orders. Article 3.C.5.5. states that “a member who must extend for some other reason (i.e., transfer, training, ...) may extend for a period greater than the minimum required for the purpose of gaining entitlement to an SRB.” All of the provisions in the Personnel Manual that concern obligating additional service to accept transfer orders refer only to extensions, not reenlistments. However, the JAG has previously informed the Board that unwritten Coast Guard policy allows members to obligate service for transfer by reenlisting instead of extending. Therefore, the original relief requested by the applicant should be granted in that his extension contract should be voided and he should be reenlisted for 6 years on March 13, 2008, so that he will be entitled to the Zone B SRB authorized under ALCOAST 304/07.

ORDER

The military record of [REDACTED], USCG, shall be corrected by removing his 5-year extension dated March 13, 2008, as null and void and by reenlisting him for 6 years on March 13, 2008. The Coast Guard shall pay him the Zone B SRB due under ALCOAST 304/07 as a result of this correction.

March 26, 2010

Date

