

**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. 2009-237**

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

SUMMARY OF THE RECORD

The applicant asked the Board to correct the date of his June 19, 2009, reenlistment contract to June 23, 2009. He believes that this correction would make him eligible for a selective reenlistment bonus (SRB) under ALCOAST 286/08. The contract and a Page 7 in his record show that he was advised he was eligible for an SRB for reenlisting on June 19, 2009. However, the bonus was not paid. The applicant's 6th anniversary on active duty was September 22, 2009, and he was told that to receive the bonus, he should have reenlisted within 3 months of the anniversary. His then-current enlistment, dated September 20, 2007, was not due to end until September 19, 2011, and he received his Zone A SRB for that contract. His record also contains a 1-year extension contract, which he signed on July 11, 2008, to obligate service to accept transfer orders, but which was canceled by his June 19, 2009, reenlistment. There is no Page 7 in his record documenting SRB counseling for the extension contract although a Zone B SRB multiple was in effect for the ET rating on that date under ALCOAST 304/07.

The Judge Advocate General of the Coast Guard recommended that the Board grant relief by correcting the June 19, 2009, contract date to September 22, 2009—the applicant's 6th anniversary. However, under ALCOAST 353/09, there was no Zone B SRB multiple authorized for the ET rating after July 15, 2009. The applicant replied to this recommendation by stating that if it was in his favor he would accept it, but if not, he wants the Board to correct his record as he originally requested.

FINDINGS AND CONCLUSIONS

Article 3.C.4.b.3. of the Personnel Manual states that to be entitled to 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." Therefore, no reenlistment contract that the applicant signed prior to his 6th anniversary would entitle him to a Zone B SRB, and the promises of the SRB on the contract and Page 7 dated June 19, 2009, are clearly erroneous. Nor was the applicant eligible for a Zone B SRB on his 6th anniversary, September 22, 2009, because ALCOAST 353/09, which went into effect on July 16, 2009, eliminated the Zone B SRB multiple for members in the [REDACTED] rating.

The Board also notes that the applicant could not have signed an extension contract for a Zone B SRB in the summer of 2009. Article 3.C.5.9. of the Personnel Manual authorizes commanding officers only to reenlist members—i.e., not to extend their enlistments—within the 3 months prior to their 6th anniversaries for SRB purposes, and Article 3.C.5.5. states that "[u]nder no circumstances will an individual be permitted to extend their enlistment more than 3 months early for SRB purposes alone. However, 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." Since the applicant's enlistment was not ending until September 19, 2011, and he was not in receipt of transfer or training orders in 2009, there was no authorization for him to sign an extension contract.

On July 11, 2008, however, the applicant was in receipt of transfer orders and needed to extend his enlistment to accept the orders. Because his then-current enlistment ran through September 19, 2011, his extension contract would become operative in Zone B and so any SRB he received for extending his enlistment on July 11, 2008, would be a Zone B SRB. Under ALCOAST 304/07, members in the [REDACTED] rating were eligible for a Zone B SRB on July 11, 2008. However, the applicant extended his enlistment

for just 1 year even though under Article 3.C.5.5. of the Personnel Manual, he could have extended his enlistment for a longer period to receive an SRB and, under Article 3.C.4.b.5., an extension or reenlistment contract must be at least 3 years long to make a member eligible for an SRB.

Under Article 3.C.3. of the Personnel Manual, the applicant should have been counseled about his SRB eligibility when he signed the extension contract on July 11, 2008, and that counseling should have been documented on a Page 7. There is no Page 7 in his record documenting SRB counseling on that date. Therefore, although the applicant did not complain about the lack of SRB counseling in July 2008, in light of the erroneous SRB counseling he received in June 2009, the Board believes that he should have the opportunity to increase the term of his July 11, 2008, extension contract to receive a Zone B SRB under ALCOAST 307/04 if he so desires. Moreover, even if he does not opt to receive that SRB, his June 19, 2009, reenlistment contract with the erroneous promise of the SRB should be removed from his record as null and void and his prior enlistment and extension contracts should be reinstated.

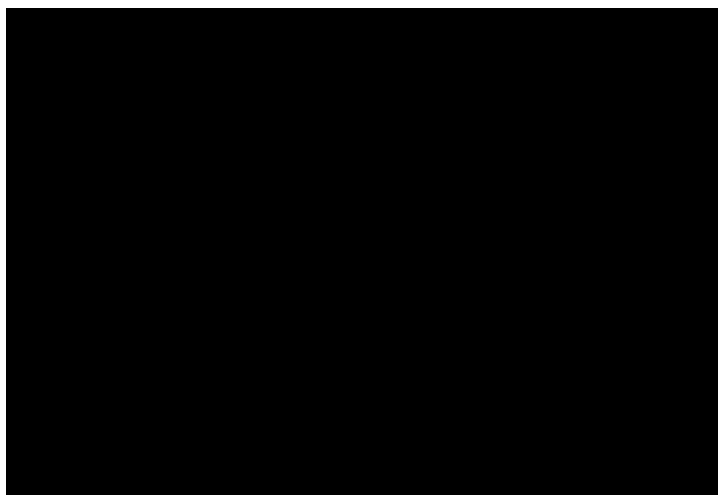
ORDER

The application of xxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is granted in part as follows:

- The June 19, 2009, reenlistment contract shall be removed from his record as null and void.
- His September 20, 2007, reenlistment contract and 1-year extension contract dated July 11, 2008, shall be reinstated.
- Within 60 days of the date of this decision, the Coast Guard shall counsel him about SRBs and about his options under this order. After this counseling, if the applicant so elects, the Coast Guard shall correct the term of his July 11, 2008, extension contract to 3, 4, 5, or 6 years, at his discretion, to entitle him to a Zone B SRB under ALCOAST 304/07.
- The Coast Guard shall pay him any amount he may be due under ALCOAST 304/07 as a result of any correction made to his record pursuant to this order.

June 8, 2010

Date



*The third member of the Board was unavailable. However, pursuant to 33 C.F.R. § 52.11(b), two designated members constitute a quorum of the Board.