

**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. 2009-241**

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

SUMMARY OF THE RECORD

The applicant asked the Board to void a reenlistment contract that he signed on May 15, 2009, to receive a selective reenlistment bonus (SRB). He alleged that he was erroneously counseled that he was authorized to reenlist because he was in receipt of transfer orders to a new unit. In fact, however, because the orders required only 1 year of obligated service and under his prior 6-year contract dated August 2, 2005, he had already obligated service through August 1, 2011, there was no need or authority for him to reenlist or extend his enlistment on May 15, 2009. Therefore, the Coast Guard will not pay him the SRB and he wants the contract removed from his record.

The Judge Advocate General of the Coast Guard recommended that the Board grant the applicant's request because the record supports his allegations.

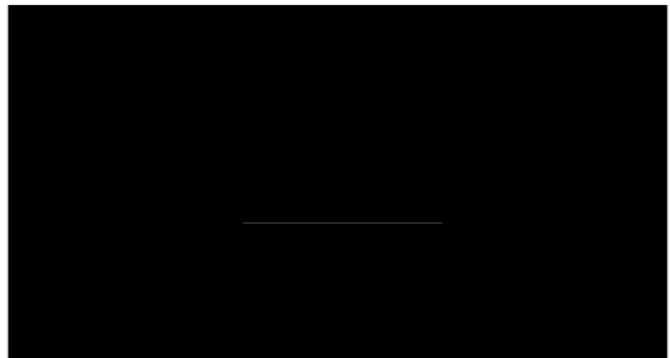
FINDINGS AND CONCLUSIONS

Under the Personnel Manual, commanding officers may only discharge and reenlist members within 3 months of the end of their enlistment (EOE) or their 6th or 10th active duty anniversaries or when the members are in receipt of orders that require additional obligated service. *See* Personnel Manual, Arts. 12.B.7. and 3.C.5.9. Because the applicant had already obligated service through August 1, 2011, when he received transfer orders requiring just 1 year of obligated service in May 2009, there was no authority in the Personnel Manual for his command to discharge and reenlist him. Accordingly, his request should be granted.

ORDER

The military record of xxxxxxxxxxxxxxxxxxxxxxxxxxxx, USCG, shall be corrected by removing the reenlistment contract dated May 15, 2009, as null and void and by reinstating his August 2, 2005, reenlistment contract with an EOE of August 1, 2011.

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.