

**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. 2011-221**

XXXXXXXXXXXXXXXXXX.
XXXXXXXXXXXX, BM2

SUMMARY OF THE RECORD

The applicant, a boatswain's mate second class (BM2), in the Coast Guard Selected Reserve (SELRES) asked the Board to correct his record to show that he is eligible to receive the \$4,000 enlistment bonus that he was promised for signing an 8-year Reserve enlistment contract and agreeing to serve in the BM rate. He signed the 8-year enlistment contract and a Page 7 on June 20, 2006, and the latter states that he is eligible to receive a \$4,000 SELRES incentive bonus. The Page 7 cites ALCOAST 093/05 as the authority for the bonus; however, ALCOAST 093/05 was not in effect on June 20, 2006. ALCOAST 056/06 was issued on February 1, 2006, and was in effect when the applicant signed his enlistment contract. The applicant attended BM "A" School from June 4, 2007, to August 17, 2007, and advanced to BM3 upon graduation.

The Judge Advocate General (JAG) of the Coast Guard recommended that the Board grant the applicant's request because the record supports his allegations. The JAG stated that although the applicant was not eligible for a bonus under the applicable ALCOAST, he should nonetheless receive the bonus because he was improperly counseled about his eligibility for the bonus when he enlisted.

FINDINGS AND CONCLUSIONS

The Coast Guard recruiter used an out of date ALCOAST when he counseled the applicant that he was eligible to receive a \$4,000 bonus for signing an 8-year SELRES enlistment contract and agreeing to serve in the BM rate. Under the correct ALCOAST, the applicant was not eligible for a bonus because ALCOAST 056/06 does not provide a bonus to SELRES enlistees with no prior military service who agree to serve in the BM rate. Therefore, the applicant has proved by a preponderance of the evidence that the Coast Guard erred when its recruiter promised him a \$4,000 SELRES bonus for enlisting in the Reserve for 8 years and agreeing to serve in the BM rate. The record indicates that the recruiter promised the applicant the bonus as an enticement to enlist for 8 years and serve in the BM rate. The Board believes that, whenever reasonable, such promises should be kept, especially when the member relies on the erroneous advice and gives due consideration for the promised benefit—i.e., an 8-year enlistment in the Reserve. There is no evidence that the applicant would have chosen to enlist in the Reserve had he not been promised the \$4,000 bonus. Therefore, relief should be granted and he should receive the promised bonus under the payment terms prescribed in the ALCOASTs.

ORDER

The application of xxxxxxxxxxxxxxxxxxxxxx, USCGR, for correction of his military record is granted as follows:

The Coast Guard shall pay him \$2,000—the first half of the \$4,000 enlistment bonus he was promised on the Page 7 dated June 20, 2006—because he has already successfully completed his IADT. In addition, if he met the participation standards under Chapter 4 of the Reserve Policy Manual during the year following his completion of BM “A” School, his record shall be corrected to show that he is eligible for and entitled to the second half (\$2,000) of the \$4,000 SELRES enlistment bonus he was promised, and the Coast Guard shall pay him that amount as well.

February 23, 2012
Date

