

**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. 2013-093**

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**FINAL DECISION**

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the application after receiving the applicant's completed application on April 4, 2013, and assigned it to staff member [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated November 8, 2013, 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, currently a Food Service Specialist Third Class (FS3), asked the Board to correct her record to show that she is eligible to receive the \$10,000 bonus that she was promised for completing FS "A" School.<sup>1</sup> She stated that when she enlisted in the Coast Guard she was not offered a guaranteed "A" School bonus, but alleged that during recruit training she was offered a \$10,000 bonus if she agreed to affiliate with the FS rating by completing FS "A" School. The applicant stated that she completed FS "A" School, signed an 8-month extension contract to obligate enough service to receive the bonus, but has never received the money.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard for a term of four years on May 18, 2011, under the delayed entry program and signed Annex "H" acknowledging that she was not offered an enlistment bonus of any kind. The annex states that prior to completion of recruit training she may choose to affiliate with a critical rating (including FS). The applicant entered active duty on February 6, 2012, and began recruit training. On March 22, 2012, during recruit training, she signed Annex "T" acknowledging that she had been offered a \$10,000 bonus for agreeing to affiliate with the FS rating. The annex states that the bonus will be paid in one lump sum after successful completion of recruit training and "A" School. She completed FS "A" School on September 15, 2012, and signed an eight-month extension contract on September 25, 2012,

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<sup>1</sup> "A" School is where members receive specialized instruction in their chosen rating.

because eligibility for the bonus required that she have four years of service remaining upon graduation from FS "A" School.

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

On July 22, 2013, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny the applicant's request for a \$10,000 bonus, but paying her a \$7500 bonus instead. The JAG argued that the applicant is not eligible to receive a \$10,000 bonus because there was no \$10,000 bonus for the FS rate when the applicant enlisted or began FS "A" School. The JAG noted that a \$7500 bonus for the FS rating was offered in ALCOAST 581/11, and that the applicant should receive this bonus. The JAG stated that the applicant was improperly counseled during recruit training that she was eligible for a \$10,000 bonus to affiliate with the FS rating but the JAG could not determine why she was offered the \$10,000 bonus.

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

On July 29, 2013, the BCMR sent the applicant a copy of the Coast Guard's views and invited her to respond within 30 days. She responded on August 29, 2013, and stated that she had no objection to the JAG's recommendation that she receive a \$7500 bonus.

### **APPLICABLE REGULATION**

ALCOAST 581/11 was issued on December 27, 2011, and authorized a \$7500 bonus for members who enlisted in the Coast Guard and agreed to attend FS "A" School after recruit training.

### **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 submission and applicable law:

1. The application is timely because it was filed within three years of the applicant's discovery of the alleged error or injustice in his record, as required under 10 U.S.C. § 1552(b).
2. The applicant asked the Board to correct her record to show that she is eligible to receive the \$10,000 bonus that she was promised during recruit training.
3. The Board begins its analysis in every case by presuming that the disputed information in the applicant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust. 33 C.F.R. § 52.24(b); *see* Docket No. 2000-194, at 35-40 (DOT BCMR, Apr. 25, 2002, approved by the Deputy General Counsel, May 29, 2002) (rejecting the "clear and convincing" evidence standard recommended by the Coast Guard and adopting the "preponderance of the evidence" standard for all cases prior to the promulgation of the latter standard in 2003 in 33 C.F.R. § 52.24(b)). Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their

duties “correctly, lawfully, and in good faith.” *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

4. The JAG argued that the applicant was erroneously counseled that she was eligible for a \$10,000 bonus, and recommended that the Board grant relief by correcting her record to show that she is eligible for the \$7500 bonus authorized by ALCOAST 581/11. The applicant agreed with the JAG’s recommendation. The JAG does not know why the applicant was promised a \$10,000 bonus.

5. The Board finds that the applicant is eligible for a \$7500 bonus because she completed FS “A” School and ALCOAST 581/11 authorized a bonus of \$7500 for members agreeing to affiliate with that rating by completing FS “A” School.

6. Accordingly, the applicant’s requested relief – to receive a \$10,000 bonus – should be denied, but alternative relief should be granted by ordering the Coast Guard to pay her a \$7500 bonus in accordance with ALCOAST 581/11.

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

**ORDER**

The record of [REDACTED] USCG, shall be corrected to show that that she is eligible to receive a \$7500 bonus for completing FS "A" School. The Coast Guard shall pay her any amount due as a result of these corrections.

