

**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. 2016-040**

  
OS2

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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 case after receiving the application on February 2, 2016, and assigned it to staff member  to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated December 15, 2016, is approved and 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, an Operations Specialist, Second Class (OS2) currently on active duty, asked the Board to review the errors that were made with respect to the \$12,000 Selective Reenlistment Bonus (SRB)<sup>1</sup> that he was promised for signing a four-year reenlistment contract on June 25, 2015. He stated that he was promised a \$12,000 SRB for signing the four-year reenlistment contract but months later was told that he would not receive the bonus because his end of enlistment date (EOE) made him ineligible for the bonus.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on March 7, 2011, for a term of four years, through March 6, 2015. On February 14, 2012, he signed a 13-month extension contract and received a \$5,000 Critical Skills Training Bonus (CSTB), obligating service through April 6, 2016. On August 18, 2014, the applicant signed a two-year extension contract to obligate service for a transfer to the CGC James, and this extended his EOE date to April 6, 2018. On June 25,

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<sup>1</sup> The Selective Reenlistment Bonus (SRB) Program allows the Commandant to offer a reenlistment incentive to members who possess highly desired skills or are in eligible ratings, at certain specific points during their career. For the purpose of defining eligibility periods within the first 14 years of active service, three zones of consideration are established. Zone A is defined as the period from 17 months through 6 years of active service. Article 1.B.1. of COMDTINST M77220.2, the Military Bonus Programs manual.

2015, he signed a four-year reenlistment contract, through June 24, 2019, and was counseled on a Page 7<sup>2</sup> that he was eligible to receive a \$12,000 Zone A SRB in accordance with ALCOAST 193/15, and that any previously obligated service would be “negated once the contract has been signed.”

On September 18, 2015, the Coast Guard Pay and Personnel Center (PPC) notified the applicant’s Servicing Personnel Office (SPO) that it had determined that he was not eligible to receive the \$12,000 bonus he was promised but that he could qualify for a \$20,000 bonus if he changed the term of his June 25, 2015, reenlistment from four to six years. PPC told the applicant that he was not eligible for the \$12,000 bonus because his EOE date at the time of his June 25, 2015, reenlistment was April 6, 2018, and the applicable ALCOAST (193/15) specifically states that to receive the \$12,000 bonus the member must have an EOE date prior to October 1, 2016.

On October 28, 2015, the applicant sent an email to a yeoman at his SPO stating that he wanted to cancel his June 25, 2015, four-year reenlistment contract since he was not eligible for the bonus that he had been promised. On December 9, 2015, PPC sent an email to the applicant’s SPO stating that there was no reason to cancel the contract because the applicant could still receive a bonus if he changed the term of his reenlistment from four years to six years. On December 22, 2015, the applicant’s SPO notified PPC that the applicant did not want to change the term of his reenlistment contract from four to six years to receive the \$20,000 bonus and that he would submit an application to the BCMR in an effort to get the \$12,000 bonus that he was promised for signing the four-year reenlistment contract on June 25, 2015.

### **APPLICABLE REGULATIONS**

Article 1.B.4.a. of the Coast Guard Bonus Programs manual states that to be eligible for a Zone A SRB, the member must have completed 17 months of continuous active duty at any point in their military career, reenlist or extend for a period of at least three full years, and meet any additional eligibility criteria the Commandant may prescribe.

ALCOAST 193/15 was issued on May 6, 2015, and authorized Zone A SRBs for members in the FS and OS rates who wanted to terminate their current enlistment contract and reenlist for an SRB. The ALCOAST authorized a \$12,000 SRB to members who reenlisted or extended their enlistment for four years of service and who had an EOE date prior to October 1, 2016. A \$20,000 SRB was authorized for members who reenlisted or extended their enlistment for six years of service and who had an EOE date prior to October 1, 2018.

The FAQs section of ALCOAST 193/15 states that the requirement that a member can reenlist for an SRB if they are within three months of their EOE date is waived for members

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<sup>2</sup> A Page 7 (CG-3307, or Administrative Remarks) entry documents any counseling that is provided to a service member as well as any other noteworthy events that occur during that member’s military career.

eligible for an SRB in FY15. It adds that SRB eligible members do not need any of the typical reenlistment reasons to gain entitlement to an SRB.<sup>3</sup>

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

On August 24, 2016, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant relief by canceling the applicant's June 25, 2015, four-year reenlistment contract. The JAG noted that the applicant did not specifically state what relief he is seeking, but that emails between the applicant and his SPO reveal that he wanted to cancel the four-year reenlistment contract and revert to the two-year extension that he signed on August 18, 2014.

Citing PPC's input to the JAG on the matter, the JAG argued that the applicant should be allowed to cancel the June 25, 2015, reenlistment contract because he was erroneously counseled that he would receive a \$12,000 bonus for signing the contract and that he relied on the SRB in his decision to reenlist. The JAG argued that he is not eligible for a \$12,000 bonus because his EOE date at the time he signed the four-year reenlistment contract was April 6, 2018, and ALCOAST 193/15 states that the \$12,000 bonus is available only to members with an EOE date prior to October 1, 2016.

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

On August 26, 2016, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. He responded on September 12, 2016, and stated that he agreed with the JAG's recommendation and would like to forgo the bonus and simply cancel the June 25, 2015, four-year reenlistment contract. A staff member from the BCMR contacted the applicant to ensure that he did not want the change his four-year reenlistment to a six-year reenlistment to receive the \$20,000 bonus, and he affirmed that he does not want to reenlist for six years to receive a \$20,000 bonus because he is waiting to see if he will be eligible to receive a larger SRB on this 6<sup>th</sup> active duty anniversary (March 7, 2017)<sup>4</sup>.

### **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 Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application was timely.

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<sup>3</sup> Members can typically reenlist or extend their enlistment during the three months before their EOE date or their 6<sup>th</sup> and 10<sup>th</sup> active duty anniversary or to obligate sufficient service to transfer or attend training. Articles 1.B.5.e. and 1.B.5.i. of COMDTINST M7220.2, and Article 1.A.9.e. of COMDTINST M1000.2A.

<sup>4</sup> Members may be discharged and immediately reenlisted within the three months before their 6<sup>th</sup> active duty anniversary of active service for the purpose of qualifying for a Zone A SRB. Article 1.B.5.i. of COMDTINST M7220.2, the Military Bonus Programs manual.

2. The applicant requested an oral hearing before the Board. The Chair denied the request, acting pursuant to 33 C.F.R. § 52.51, and recommended disposition of the case without a hearing. The Board concurs in that recommendation.<sup>5</sup>

3. The applicant stated that he was promised a \$12,000 Zone A SRB for signing a four-year reenlistment contract on June 25, 2015, but that he never received the bonus. When considering allegations of error and injustice, the Board begins its analysis 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.<sup>6</sup> 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."<sup>7</sup>

4. The record shows that the applicant signed a four-year reenlistment contract on June 25, 2015, and was counseled on a Page 7 that he was eligible to receive a \$12,000 SRB. This counseling was erroneous because his EOE date made him ineligible for the bonus. Paragraph 7.b.(1) of ALCOAST 193/15 states that to be eligible for the \$12,000 bonus the member must have an EOE date prior to October 1, 2016, but when the applicant signed the reenlistment contract his EOE date was April 6, 2018. The Board notes that the applicant signed a 13-month extension contract on February 14, 2012, and a two-year extension contract on August 18, 2014, and as a result of these two contracts his EOE date was adjusted to April 6, 2018.

5. The Board finds that the applicant was improperly counseled regarding his eligibility for an SRB and, therefore, the June 25, 2015, four-year reenlistment contract is voidable. The applicant has stated that he does not want to change the term of the reenlistment contract to six years to receive a \$20,000 SRB because he wants to reenlist for a larger SRB on his 6<sup>th</sup> active duty anniversary in 2017. Accordingly, the Board should order the Coast Guard to remove the applicant's June 25, 2015, four-year reenlistment contract from his record as null and void and return his EOE date to what it was before he signed the June 25, 2015, reenlistment contract.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

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<sup>5</sup> See *Steen v. United States*, No. 436-74, 1977 U.S. Ct. Cl. LEXIS 585, at \*21 (Dec. 7, 1977) (holding that "whether to grant such a hearing is a decision entirely within the discretion of the Board").

<sup>6</sup> 33 C.F.R. § 52.24(b).

<sup>7</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

**ORDER**

The application of OS2 [REDACTED], USCG, for correction of his military record is granted as follows: The Coast Guard shall remove his June 25, 2015, four-year reenlistment contract from his record as null and void and return his EOE date to what it was before he signed this contract.

December 15, 2016

