

**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. 2017-199**

 CS2

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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 June 24, 2017, 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 February 23, 2018, 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 Culinary Specialist<sup>1</sup> Second Class (CS2) on active duty in the Coast Guard, asked the Board to correct his record to show that he is eligible to receive a \$20,000 enlistment bonus. He argued that he is eligible for the bonus for enlisting in the Coast Guard because he met the criteria for an enlistment bonus when he enlisted as outlined in the Military Bonus Programs Manual and ALCOAST 346/15.

The applicant noted that the Military Bonus Programs Manual states that there are three criteria for a bonus and he asserted that he meets all three of those criteria: He meets the standard enlistment qualifications; he qualified for and agreed to affiliate with the FS rating and to serve for four years on active duty; and he did not participate in the Coast Guard College Fund.

The applicant further argued that he is eligible for the \$20,000 enlistment bonus because ALCOAST 346/15 states that a \$20,000 enlistment bonus is available to recruits who agree to enlist in the Coast Guard, complete FS "A" School, and satisfactorily complete the full term of their enlistment in the FS rating. He argued that he met all of these requirements except that he

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<sup>1</sup> ALCOAST Command Notice (ACN) 086/17 was issued on July 28, 2017, and changed the rating name Food Service Specialist (FS) to Culinary Specialist (CS) in the Enlisted Accessions, Evaluations, and Advancements Manual, COMDTINST M1000.2A.

did not attend FS “A” School because his recruiter determined that he already had the necessary skills of an FS due to the culinary specialist training that he received in the Navy.

Finally, the applicant argued that he is eligible for the \$20,000 bonus because he enlisted at a time when the Coast Guard was offering extra incentives for members to affiliate with the FS rate. He stated that he was able to fill a critical shortage in the FS rating much sooner than a typical new recruit because he already possessed the necessary skills and was able to skip FS “A” School. The applicant argued that he met both the spirit of the bonus program as well as the requirements.

In support of his application, the applicant submitted a copy of his graduation certification from the U.S. Navy CS “A” School, a copy of his DD 214 from the U.S. Navy, his Coast Guard enlistment contract, a copy of ALCOAST 346/15, and a copy of Article 1.A. of COMDTINST M7220.2, the Military Bonus Programs Manual.

### **SUMMARY OF THE RECORD**

The applicant served on active duty as a Culinary Specialist in the U.S. Navy from June 1, 2009, to May 31, 2013, and then served in the Navy Reserve until October 1, 2015. He enlisted in the Coast Guard on October 2, 2015, in pay grade FS3/E-4. His enlistment contract does not contain any promise of an enlistment bonus, nor are there any Page 7s in his record documenting the promise on an enlistment bonus. The applicant completed Coast Guard recruit basic training but was not required to attend FS “A” School because the Coast Guard determined that the culinary training he had received in the Navy qualified him to serve as an FS in the Coast Guard.

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

On November 27, 2017, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief. The JAG argued that no injustice occurred in this case because the applicant was not told that he would receive a bonus when he enlisted in the Coast Guard, nor did he allege that he was promised a bonus. Moreover, the JAG noted that the Coast Guard’s Policy and Standards Division reviewed the applicant’s request for an enlistment bonus and determined that he did not meet the eligibility criteria for the bonus contained in ALCOAST 346/15. The JAG also stated that the Coast Guard never intended that the enlistment bonus be available to prior service members.

The JAG acknowledged that based on the applicant’s Navy culinary specialist experience, he was qualified to serve as a food service specialist, was not required to attend FS “A” School, and met the Coast Guard’s needs for FS members, but alleged his particular personal circumstances during this timeframe did not meet the service’s criteria for an enlistment bonus. Moreover, the JAG stated that there are no other extenuating circumstances that might lead the Board to conclude that an injustice occurred (e.g., there was no promise of a bonus, the

applicant did not rely on the receipt of a bonus in making his enlistment decision to join the Coast Guard).

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

On December 6, 2017, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The BCMR did not receive a response.

### **APPLICABLE REGULATIONS**

Article 2.E.3. of COMDTINST M1100.2E, the Coast Guard Recruiting Manual, states that an enlistment bonus (EB) is an incentive, not a guarantee, authorized under Title 37 U.S.C. § 309, to enable the Coast Guard to attract qualified personnel to critical ratings to help meet the Coast Guard's recruiting goals.

Chapter 1.A.1. of the Military Bonus Programs Manual, COMDTINST 7220.2, states that the enlistment bonus program is an incentive to attract qualified personnel to critical skills or ratings to help meet the Coast Guard's recruiting goals. The program applies to new enlistments. The EB is authorized under 37 U.S.C. § 309 and governed by Administration of Enlistment Bonuses, Accession Bonuses for New Officer in Critical Skills, Selective Reenlistment Bonuses, and Critical Skills Retention Bonuses for Active Members, DoDI 1304.29.

Chapter 1.A.3.b. of the bonus manual states that the EBs are linked to a member's recruitment and affiliation with a critical rating and for prior service personnel who already have the qualifying skill and agree to enlist in the designated rating for a minimum of four years.

Chapter 1.A.4. of the bonus manual states that to qualify for the EB Program, members must:

- a. Meet standard enlistment qualification criteria;
- b. Qualify for and agree to affiliate with a selected rating or designated critical skill and agree to serve an initial active duty enlistment for a minimum of 4 years;
- c. Not participate in the Coast Guard College Fund. Once a member chooses to participate in the EB, he or she cannot change over to the College Fund.

Under Article 1.A.1.a. of COMDTINST M1000.2A, "reenlistment" is defined as the enlistment of (1) anyone who has previously served in the regular Coast Guard or (2) a Coast Guard reservist who is currently serving on extended active duty and has been serving on extended active duty for at least 12 months.

ALCOAST 346/15 was issued on September 2, 2015, and announced accession and retention bonus programs for the FS rating from the date of the ALCOAST through FY16. The ALCOAST authorized an enlistment bonus of \$20,000 for applicants to enlist in the Coast Guard, complete guaranteed FS "A" School after recruit training, and satisfactorily complete the

full term of their initial enlistment in the regular Coast Guard in the appropriate rating. Chapter F.4.e. of the ALCOAST states that members must successfully complete their respective Class “A” School to receive the EB, but does not mention prior service members or members who are allowed to skip “A” School based on their skills.

### 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 because the applicant enlisted in the Coast Guard in 2015 and submitted his application to the Board in 2017.

2. The applicant alleged that his lack of receipt of a \$20,000 enlistment bonus that was available to recruits who enlisted and entered the FS rating is erroneous and unjust. 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>2</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>3</sup>

3. The applicant argued that he should receive a \$20,000 enlistment bonus for enlisting in the Coast Guard because he meets the bonus criteria in the Military Bonus Programs Manual and ALCOAST 346/15. Chapter 1.A.1. of the Military Bonus Programs Manual states that the enlistment bonus program is an incentive to attract qualified personnel to critical skills or ratings to help meet the Coast Guard's recruiting goals. Although the applicant had prior military service in the Navy, his contract with the Coast Guard constitutes an enlistment, rather than a reenlistment, pursuant to Article 1.A.1.a. of COMDTINST M1000.2A, because he had not previously served in the Coast Guard. However, although the applicant met the basic eligibility requirements for an enlistment bonus under Chapter 1.A.4. of the bonus manual in 2015, he did not meet the specific eligibility requirements contained in ALCOAST 346/15, which authorized the bonus, because he did not attend FS “A” School.

4. Neither the bonus manual nor the Coast Guard Recruiting Manual requires recruiters to offer potential enlistees every enlistment incentive they may be eligible for. The Coast Guard Recruiting Manual plainly states that an enlistment bonus is an incentive and “not a guarantee.” Therefore, the Recruiting Command apparently retains discretion in offering incentives to attract new members. The Board notes that the Coast Guard enlisted the applicant in pay grade E-4, instead of E-1, and that the applicant voluntarily enlisted in the Coast Guard for four years without being offered a bonus.

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<sup>2</sup> 33 C.F.R. § 52.24(b).

<sup>3</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).

5. The preponderance of the evidence shows that the applicant voluntarily enlisted in the Coast Guard without the promise of an enlistment bonus and did not meet the written eligibility requirements for the bonus in the applicable ALCOAST. Accordingly, he has not shown that his failure to receive the bonus is either erroneous or unjust. Relief should be denied.

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

**ORDER**

The application of CS2 [REDACTED], USCG, for correction of his military record is denied.

February 23, 2018

