

**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. 2021-008**

  
EM1

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**FINAL DECISION**

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the applicant's completed application on March 8, 2019, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision dated November 19, 2021, 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 Electrician's Mate, first class (EM1) currently on active duty, asked the Board to correct his record to show that he is eligible to receive a Selective Reenlistment Bonus (SRB)<sup>1</sup>. He stated that he was promised the bonus for signing a reenlistment contract but alleged that he never received the bonus.

In support of his request, the applicant submitted a copy of a Page 7<sup>2</sup> dated February 19, 2019, documenting that he had been counseled about his eligibility to reenlist to receive a Zone B SRB in accordance with ALCOAST 088/18. The Page 7 states that if he reenlists for four years then he will receive a \$20,000 lump sum bonus. He also submitted a copy of the six-year enlistment contract that he signed on February 28, 2019.

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<sup>1</sup> The Selective Reenlistment Bonus 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 B is defined as the period from 6 years through 10 years of active service. Article 3.C of COMDTINST M1000.6A, the Coast Guard Personnel Manual.

<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.

## SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve on March 2, 2010, for a term of eight years, with four years to be spent on active duty and the remaining four years in the reserve component. However, he extended his active duty and advanced to EM2 (E-5) on October 1, 2015. On November 21, 2018, the applicant received transfer orders. The orders state that to accept the transfer, he was required to report to his new duty station by July 1, 2019, and to have at least one year of obligated service remaining upon reporting to his new unit.

On February 19, 2019, the applicant was counseled on a Page 7 that he was eligible for a Zone B SRB and could receive a \$20,000 lump sum payment for a four-year reenlistment in accordance with ALCOAST 088/18. He acknowledged that he had reviewed ALCOAST 088/18.

On February 28, 2019, the applicant signed a six-year reenlistment contract to obligate service for transfer, and the contract states that he is eligible to receive a Zone B SRB in accordance with ALCOAST 157/16, which was no longer in effect. On November 24, 2020, because he had not been paid the Zone B SRB indicated in his reenlistment document, the applicant submitted an application to the BCMR requesting payment of the SRB that he had been promised.

## APPLICABLE REGULATIONS

Chapter 1.B.3. of the Military Bonus Programs Manual states that “[a]ll personnel with 10 years or less active service who reenlist or extend for any period shall be counseled on the SRB program. They shall sign an Administrative Remarks, Form CG-3307, outlining the effect that the particular action [the enlistment or extension] has on their SRB entitlement.” The counseling text and format for the Page 7 is provided in the Pay and Personnel Procedures Manual.

Chapter 1.B.4.b. lists these criteria for receiving a Zone B SRB:

- (1) Reenlist not later than 3 months after discharge or release from active duty in a rating authorized an SRB multiple.
- (2) Have completed 17 months continuous active duty (including periods of active duty service for reserves) at any point in their military career. The 17 months continuous active duty need not have been completed immediately prior to the reenlistment or extension.
- (3) Have completed at least 6 but not more than 10 years active service on the date of reenlistment or the operative date of the extension.
- (4) Be serving in pay grade E-5 or higher. Personnel who are changing rate, as approved by the Commandant, are eligible as an E-4 provided they were E-5 or higher immediately prior to changing rate.
- (5) Reenlist or extend enlistment in the Regular Coast Guard for a period of at least 3 full years, provided the reenlistment or extension, when added to existing active service, will provide a total active duty of no less than 10 years.
- (6) Have not previously received a Zone B SRB.
- (7) Attain eligibility prior to the termination of a multiple for that particular rating.
- (8) Meet any additional eligibility criteria the Commandant may prescribe.

ALCOAST 157/16 was issued on April 27, 2016, and it did not authorize a Zone B SRB for members in the EM2<sup>3</sup> rate.

ALCOAST/COMMANDANT NOTICE (ACN) 088/18 was issued on August 30, 2018, and provides intervention strategies (bonuses) to attract and retain personnel in critical rates to support a mission ready workforce to meet Service needs in FY19. The EM rate was not identified as a critical rate or eligible for a bonus.

### VIEWS OF THE COAST GUARD

On May 18, 2021, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief. The JAG recommended that the applicant's request to receive an SRB be denied because he was not eligible for a bonus on the day he reenlisted. The JAG noted that the February 19, 2019, Page 7 states that he was eligible for a Zone B \$20,000 lump sum payment for a four-year reenlistment in accordance with ALCOAST 088/18, but the JAG argued that this was in error because there was no Zone B SRB authorized for the applicant's rank, rate, and time in service on the date he signed the reenlistment contract.

The JAG noted that the applicant's reenlistment contract refers to ALCOAST 157/16, which was issued on April 27, 2016, but the February 19, 2019, Page 7 in his record refers to ALCOAST 088/18. The JAG argued that ALCOAST 157/16 was not applicable at the time of applicant's reenlistment on February 28, 2019, and that the Page 7 reference to ALCOAST 088/18 should have been properly listed as ACN 088/18.<sup>4</sup> However, the JAG noted, ACN 088/18 did not authorize a Zone B SRB for the applicant's rank, rate, and time in service at the time of his reenlistment.

The JAG argued that in order to place the applicant in the same position as he would have been if he had been correctly counseled regarding his SRB eligibility, the applicant should be given the option to cancel his February 28, 2019, six-year reenlistment and be provided the opportunity to reenlist now or to decline continued service and end his service. Due to the erroneous counseling, the JAG argued that the applicant should not be held responsible for reenlisting for sufficient time to accept PCS orders. The Coast Guard recommended that the Board give the applicant a reasonable amount of time (three months) to make this decision and that an extension be granted to account for the time between the applicant's previous end of enlistment and his decision to reenlist or separate from the Coast Guard. The JAG also recommended that the applicant be given the alternative to continue his existing six-year reenlistment but without benefit of the SRB he was not qualified to receive. Finally, the JAG

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<sup>3</sup> The EM rate is different from the ET rate. An electrician's mate is responsible for installation, maintenance, repair, and management of sophisticated electrical and electronic equipment. Very similar to an EM, an ET is responsible for the installation, maintenance, repair and management of sophisticated electronic equipment, including command and control systems, shipboard weapons, communications receivers and transmitters, data and voice-encryption equipment, navigation and search radar, tactical electronic detection systems, and electronic navigation equipment.

<sup>4</sup> The JAG noted that ALCOAST 088/18 was issued on March 12, 2018 and concerns Good Order and Discipline Data.

argued that if the applicant desires to continue his present enlistment, the Board should direct that the reenlistment document be amended to delete the reference to an SRB.

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

On June 2, 2021, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. No response was received.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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.

2. The applicant argued that he was eligible for and promised a Zone B SRB for signing a six-year reenlistment contract on February 28, 2019. 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>5</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>6</sup>

3. The applicant's record contains a Page 7 documenting counseling on February 19, 2019, about his eligibility to reenlist for an SRB. This counseling was erroneous because ACN 088/18 did not authorize an SRB for the EM rate. Moreover, the applicant's February 28, 2019, reenlistment contract states that he is eligible to receive a Zone B SRB under ALCOAST 157/16. This is also erroneous because that ALCOAST was no longer in effect and likewise did not authorize an SRB for the EM rate. Accordingly, the applicant has proven by a preponderance of the evidence that he was not properly counseled.

4. The Board finds that if the applicant had been properly counseled on February 19, 2019, then he would have been told that he needed to have obligated service to accept his transfer orders and that he was not eligible to receive an SRB. He was not eligible for an SRB because the ACN then in effect did not authorize a Zone B SRB eligibility for members in the applicant's EM rating.

5. The applicant's request to receive a Zone B SRB for signing a six-year reenlistment contract on February 28, 2019, should be denied because he was not eligible for the bonus. However, because of his erroneous counseling, the Board finds that his reenlistment

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<sup>5</sup> 33 C.F.R. § 52.24(b).

<sup>6</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).

contract should be deemed voidable and he should be allowed to terminate his current enlistment and be immediately discharged, or allowed to change the term of his February 28, 2019, six-year reenlistment contract to three, four, or five years with no SRB. If he opts for a three-year reenlistment contract, his contract will end on February 27, 2022. If after counseling, the applicant makes no election pursuant to this Order, no correction should be made to his record and he will remain on active duty pursuant to his February 28, 2019, six-year reenlistment contract.

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

**ORDER**

Alternative relief is granted, and the military record of EM1 [REDACTED] [REDACTED] USCG, shall be corrected as follows:

The Coast Guard shall provide him with proper counseling concerning his options under this order and, at his discretion, he shall be authorized to end his current enlistment and be discharged as soon as is practical or to change the term of his February 28, 2019, six-year reenlistment contract to three, four, or five years, at his discretion. If he makes no election pursuant to this Order within thirty days of receiving the required counseling, no correction shall be made to his record and he may be retained on active duty pursuant to his February 28, 2019, six-year reenlistment contract.

November 19, 2021

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