

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2021-035

██████████ ██████████ ██████████
SN

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 February 16, 2021, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated April 1, 2022, 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, a seaman (SN/E-3) currently on active duty in the Coast Guard, asked the Board to correct his record to show that he is eligible to receive an enlistment bonus (EB) for enlisting in the Coast Guard as a non-rate.¹ He stated that when he joined the Coast Guard he was promised an EB for agreeing to attend Electronics Technician (ET) "A" School,² but he was unable to attend due to "unforeseen circumstances." He argued that he should receive the EB that he would have received had he not agreed to attend ET "A" School.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on December 19, 2019. His enlistment contract shows that he enlisted for a term of eight years, with six years to be served on active duty and two years in the Reserve. He began active duty on April 21, 2020.

¹ A non-rate is an E-2 or E-3 in the Coast Guard who has not attended an "A" School or completed a Striker program. The Striker program is an advancement opportunity for non-rated members. Strong command support and close attention to the administration of the striker program, within the constraints of on-the-job training opportunities existing at a unit, are considered leadership obligations for all supervisors. Chapter 3.C of COMDTINST M1000.2B, the Enlistments, Evaluations, and Advancements manual.

² Coast Guard "A" School is where members receive specialized instruction in their chosen rating.

Also on April 21, 2020, the applicant signed an annex to his enlistment contract indicating that he had been guaranteed a spot at ET “A” School convening on June 29, 2020. He signed an additional annex to his enlistment contract documenting that he had been promised a \$20,000 bonus for agreeing to affiliate with the ET rating. The annex states that the applicant must complete recruit training and ET “A” School to receive the bonus.

On June 14, 2020, after completing recruit training, the applicant was assigned to a Coast Guard station. He did not attend ET “A” School, or any other specialty school, and there is nothing in his record to indicate why he did not attend.

VIEWS OF THE COAST GUARD

On July 28, 2021, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief. The JAG argued that the applicant is not eligible to receive an EB because he enlisted in the Coast Guard under a specific enlistment contract, did not fulfill the terms of that contract, and forfeited his eligibility for “A” school. The JAG argued that the applicant “cannot now, in essence, unilaterally retroactively enlist under a different contract provision.”

The JAG noted that when the applicant enlisted in the Coast Guard, ALCOAST Commandant Notice (ACN) 098/19 authorized an EB of \$20,000 for new recruits who enlisted and agreed to attend ET “A” School. A non-rate EB for new applicants was not yet authorized. The JAG stated that it was not until January 31, 2020, that ACN 020/20 authorized a \$2,000 non-rate EB for new members who were recruited after January 30, 2020, into active duty.

The JAG argued that even if a non-rate EB was available at the time the applicant enlisted, he would not be eligible to receive the bonus. According to Article 1.A.2.b. of the Coast Guard Military Bonus Programs Manual, a non-rate EB is authorized for new recruits without a guaranteed affiliation with a Class “A” School. In this case, the applicant had a guaranteed affiliation with ET “A” School. As such, the JAG stated that the applicant was not eligible at the time of enlistment for a non-rate EB. The JAG argued there is no authority to retroactively provide him with an EB that he was not eligible to receive at the time of his enlistment.

Finally, the JAG argued that the Coast Guard did not commit any errors in processing the applicant's enlistment or in determining his eligibility for an EB. In fact, the JAG stated that the applicant has not alleged an error on the Coast Guard's part. Instead, the applicant stated that he had to forfeit attending ET “A” School, so instead he should be eligible for the non-rate EB. However, the JAG argued, the applicant provided no supporting authority or justification to support payment of an EB that was contrary to what he had agreed to when he enlisted.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 5, 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.

APPLICABLE REGULATIONS

ACN 098/19 provided the authority for enlistment bonuses effective October 1, 2019, until September 30, 2020. A bonus of \$20,000 was authorized for new recruits who enlisted and agreed to attend ET “A” School. The ACN did not authorize an EB for non-rate recruits.

ACN 020/20 was issued on February 7, 2020, and authorized a \$2,000 non-rate EB for new applicants recruited after January 30, 2020, into active duty. The non-rate EB also contained a “quick-ship” (QS) option. A \$5,000 QS non-rate EB was authorized to applicants who agreed to attend recruit training between February 1, 2020, and May 1, 2020. Additionally, selected applicants could receive both the \$2,000 non-rate EB and the \$5,000 QS non-rate EB if they met eligibility requirements.

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.
2. The application is timely because it was filed within three years of the applicant's discovery of the alleged error or injustice in the record, as required by 10 U.S.C. § 1552(b).
3. The applicant argued that he should receive a non-rate EB for enlisting in the Coast Guard on December 19, 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.³ 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.”⁴
4. The applicant argued that he should receive the non-rate EB that would have been available to him had he not agreed to attend ET “A” School. The applicant enlisted on December 19, 2019. According to ACN 098/19, there was no EB for non-rates available at the time he enlisted. It was not until January 31, 2020, that the Coast Guard released ACN 020/20 and authorized a \$2,000 non-rate EB for new applicants. However, ACN 020/20 explicitly states that the bonus was only available to new members who were recruited after January 30, 2020. In this case, the applicant enlisted on December 19, 2019, about six weeks before the non-rate EB was offered to new recruits. Therefore, the Board finds that the applicant is not eligible for the \$2,000 non-rate EB under ACN 020/20.
5. The Board also finds that the applicant is not eligible to receive the QS non-rate EB. According to ACN 020/20, a \$5,000 QS non-rate EB was available for recruits slated into a

³ 33 C.F.R. § 52.24(b).

⁴ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

recruit training company between February 1, 2020, and May 31, 2020. In this case, the applicant attended recruit training shortly after entering active duty on April 21, 2020. While he attended recruit training in the timeframe outlined in ACN 020/20, he was not a non-rate at the time. On the same day the applicant entered active duty, he signed two annexes to his enlistment contract. The first annex indicated that he had been guaranteed a spot at ET "A" School and the second annex documented that he had been promised a \$20,000 bonus for agreeing to affiliate with the ET rating. Since the applicant was not a non-rate at the time he attended recruit training, he was not eligible to receive the QS non-rate EB. Further, he failed to provide a reason he did not attend ET "A" School and affiliate with the ET rating that would warrant a change to his record. Therefore, the Board finds that the applicant is not eligible for the \$5,000 QS non-rate EB under ACN 020/20.

6. Accordingly, the applicant's request should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

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

April 1, 2022

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