

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2022-087


CS2

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 September 29, 2022, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision dated August 18, 2023, 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 Culinary Specialist, second class (CS2) currently on active duty, asked the Board to correct his record to show that he signed a six-year reenlistment contract on February 19, 2020, to receive a "B" Selective Reenlistment Bonus (SRB).¹ He stated that he signed a four-month extension contract on that date after being told that he needed to obligate service but was not eligible to receive an SRB. However, he alleged, he was actually eligible for an SRB on that date pursuant to ALCOAST Commandant Notice (ACN) 098/19. The applicant argued that if he had been properly counseled, then he would have signed a six-year reenlistment contract instead of the four-month extension contract so he could receive an SRB.

In support of his request, the applicant submitted a copy of a Page 7² dated February 10, 2020, documenting that he had been counseled about the effects of his SRB computation/payment if he signed an extension contract. The Page 7 states the following:

¹ 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 1.B.1 of COMDTINST M7220.2, the Military Bonus Programs Manual.

² 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.

I hereby acknowledge that I have read and fully understand the contents and explanation of Article 1.B.13 of Military Bonus Programs, COMDTINST M7220.2 (series) entitled “Frequently Asked SRB Questions and Answers.”

I further acknowledge that I have been advised of the effects on my SRB computation/payment if I enter into an agreement to extend my enlistment.

SUMMARY OF THE RECORD

The applicant served on active duty as a boatswain’s mate in the Coast Guard from April 29, 2002, through April 28, 2006. He advanced to BM3 (E-4) and was transferred to the Coast Guard Reserve upon his discharge from active duty. As a reservist, the applicant performed short periods of active duty and one longer period from October 1, 2008, to August 6, 2009.

On May 8, 2016, the applicant reenlisted on active duty for six years, through May 7, 2022. Because he had accumulated more than five years of prior active duty, his Active Duty Base Date was adjusted to December 25, 2010.

On February 10, 2020, the applicant was counseled on a Page 7 documenting that he had been told about the effects of his SRB computation/payment if he signed an extension contract. The Page 7 does not indicate whether he was told that he was eligible or ineligible to receive an SRB.

On February 19, 2020, the applicant signed a four-month extension contract to obligate service to accept transfer orders. The contract is silent with respect to SRB eligibility. His obligated service was extended by four months to September 7, 2022.

The applicant passed his 10th active duty anniversary on December 25, 2020. He advanced to CS2 (E-5) on July 1, 2021.

On September 1, 2022, the applicant signed a 12-month extension contract, with an end of enlistment (EOE) date of September 7, 2023. There is nothing in the record to show that he has signed any extension or reenlistment contracts since September 1, 2022.

VIEWS OF THE COAST GUARD

On March 30, 2023, 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 a Zone B SRB be denied because he was not eligible for a Zone B SRB when he signed the extension contract on February 19, 2020. The JAG argued that he was not eligible for an SRB because he was an E-4 on that day, and ACN 098/19 required that the member be an E-5 to qualify for a Zone B SRB.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 17, 2023, 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 LAW AND POLICY

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, and indicates that a member signing an extension contract should be counseled on a Page 7 as follows:

I hereby acknowledge that I have read and fully understand the contents and explanation of Article 1.B.13. of Military Bonus Programs, COMDTINST M7220.2 (series) entitled “Frequently Asked SRB Questions and Answers.

I further acknowledge that I have been advised of the effects on my SRB computation/ payment if I enter into an agreement to extend my enlistment.

Chapter 1.B.4.a. of the Bonus Manual lists these criteria for being eligible to receive a Zone A 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 not more than 6 years active service on the date of reenlistment or the date on which the extension becomes operative.
- (4) Be serving in pay grade E-3 (with appropriate designator) or higher on active duty in a rating that is designated as eligible for an SRB multiple.
- (5) Reenlist or extend enlistment in the Regular Coast Guard for a period of at least 3 full years.
- (6) Have not previously received a Zone A 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. [Emphasis added.]

Chapter 1.B.4.b. lists these criteria for being eligible to receive 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. [Emphasis added.]

Chapter 1.B.11 states that the following must be included on a Page 7 whenever a member signs an extension or reenlistment contract:

- (1) The number of years and/or months the member is eligible to extend/re-extend or reenlist, the number of months/years of newly obligated service, and the applicable SRB ALCOAST.
- (2) The following statement: “I have reviewed Article 1.B.13. of Military Bonus Programs, COMDTINST M7220.2 (series) entitled “Frequently Asked SRB Questions and Answers.”

ACN 098/19 was issued on September 12, 2019, and announced the critical ratings bonus programs for fiscal year 2020. The ACN provided several Zone A SRBs for CS members who reenlisted, and a \$20,000 (prorated monthly) Zone B SRB for CS members who reenlisted for an additional six years. The ACN waived the eligibility criteria in Chapters 1.B.4.b.(1) and 1.B.4.b.(2) of the bonus manual but not the criteria in Chapters 1.B.4.b.(3) or 1.B.4.b.(4). The ACN also authorized an SRB for members in rating CS3/E-4 for “enlist[ing] into the Regular Coast Guard under the Open Rate List (ORL).”

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 filed.

2. The applicant argued that he was miscounseled when he was told that he was ineligible for a Zone B SRB before he signed an extension contract on February 19, 2020. 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

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).

3. The record shows that on February 10, 2020, the applicant received SRB counseling that was documented on a Page 7. The Board notes that he signed a 4-month extension contract on February 19, 2020, to obligate service for a transfer, so it is likely that the February 10, 2020, SRB counseling was provided in anticipation of him signing the extension contract.

4. The Board finds that the applicant was properly counseled regarding his ineligibility for an SRB when he signed the Page 7 on February 10, 2020. He was not eligible for a Zone A or Zone B SRB when he signed the four-month extension contract on February 19, 2020, because he was (a) not in Zone A because he had more than six years of active duty and (b) in Zone B but ineligible for a Zone B SRB because he was still a CS3/E-4 at the time. Article 1.B.4.b. of the Military Bonus Programs Manual states that a member must be serving in pay grade E-5 or above to be eligible to receive a Zone B SRB. The applicant did not advance to CS2/E-5 until July 1, 2021. In addition, nothing in ACN 098/19 waived the requirement the E-5 pay grade requirement for members already on active duty. ACN 098/19 authorized an SRB for CS3/E-4s if they were prior service members enlisting on the Open Rate List, but the applicant was already serving on active duty and so that exception did not apply to him.

5. The applicant's request to replace his four-month extension contract with a six-year reenlistment contract should be denied because the change would not entitle him to an SRB under the Military Bonus Programs Manual or ACN 098/19.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

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

August 18, 2023

[REDACTED] [REDACTED] [REDACTED] Digitally signed by [REDACTED]
[REDACTED] [REDACTED] [REDACTED] Date: 2023.08.21 15:58:24 -04'00'

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] Digitally signed by [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] Date: 2023.08.21 16:46:41 -04'00'

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] Digitally signed by [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] Date: 2023.08.22 07:11:28 -04'00'

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