

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2023-009

██████ ██████ ████
BM2

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 May 2, 2023, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision dated July 3, 2024, 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 Boatswain's Mate, second class (BM2) currently on active duty, asked the Board to correct his record by paying him the Critical Skills Training Bonus (CSTB) that he was promised for signing a four-year reenlistment contract, or by cancelling the reenlistment contract and reenlisting him for a term of six years so he can receive a Selective Reenlistment Bonus (SRB)¹. The applicant stated that while he was in BM "A" School², he was told by his administrative office that he should reenlist to get a CSTB, but that sometime after signing the reenlistment contract to get the CSTB he was notified by the Coast Guard Pay and Personnel Center (PPC) that the bonus was not authorized. The applicant stated that this injustice caused him to miss out on the CSTB and prevented him from receiving an SRB.

In support of his request, the applicant submitted a copy of a four-year reenlistment contract dated May 19, 2022. He also submitted copies of an email chain which show that he was advised to reenlist so he could receive a CSTB and was then told that his request for the bonus had been rejected. The details of these emails are included below in the Summary of the Record.

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 3.C of COMDTINST M1000.6A, the Coast Guard Personnel Manual.

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

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on July 15, 2014, for a term of four years, through July 14, 2018. He completed recruit training, finished Machinery Technician “A” School on December 18, 2015, and advanced to Machinery Technician, third class (MK3). According to the Coast Guard, he received a CSTB sometime in 2016. The applicant signed an 18-month extension contract on July 15, 2018, extending his enlistment through January 14, 2020. On December 4, 2019, he signed a three-year reenlistment contract, through December 3, 2022.

On May 17, 2022, YN3 B from the applicant’s unit administrative office notified him via email that he could receive a CSTB if he reenlisted for four years and agreed to switch ratings from MK to BM. On May 19, 2022, the applicant signed a four-year reenlistment contract, through May 18, 2026. The reenlistment contract does not mention the CSTB. On May 20, 2022, he completed an apprenticeship for the BM rating and became a BM3. On May 24, 2022, the Coast Guard Pay and Personnel Center (PPC) emailed the applicant informing him that his request for a CSTB had been rejected because he had already received a CSTB in 2016. Specifically, PPC noted that because he received a prior CSTB payment in 2016, as an MK3 he would be ineligible for a second payment because the CSTB program only applies to non-rated field personnel.

On July 8, 2022, the applicant received another email from YN3 B stating that his request for the CSTB had been rejected because he already received a CSTB in 2016. On December 5, 2022, he submitted an application to the BCMR requesting payment of the CSTB that he had been promised. He advanced to BM2 on April 1, 2023.

VIEWS OF THE COAST GUARD

On August 29, 2023, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion and adopted the findings and analysis in a memorandum submitted by the Commander, Personnel Service Center (PSC). The JAG recommended that the applicant’s request to cancel his May 19, 2022, reenlistment contract or to receive a CSTB be denied because per the May 24, 2022, email from PPC he was not eligible for the CSTB because he already received a CSTB when he was an MK3. The JAG did not opine on the applicant’s eligibility for an SRB.

The JAG also noted that the applicant failed to seek resolution through normal means of contract cancellation via PSC’s Enlisted Personnel Management Division (EPM), Career Retentions Section. The JAG stated that members who are miscounseled or desire to change contracts may submit requests to CG PSC-EPM-1 Branch through the Career Retentions Section via memorandum with supporting documents. The JAG stated that EPM has not received a request for contract cancellation from the applicant. The JAG stated that the applicant may submit the required memorandum and supporting documentation for contract cancellation as found on the CG PSC-EPM-1 Career Retentions’ Sharepoint Site: Career Retentions (sharepoint-mil.us) to the shared mailbox: HQS-SMB-CGPSC-EPM-1-Career-Retentions@uscg.mil. The JAG noted that upon receipt, the request may be thoroughly reviewed by the Career Retentions team for decision and routed through CG PSC-EPM-1 for final decision/signature.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On September 28, 2023, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. Shortly thereafter, the Chair placed a 90-day hold on the case so the applicant could attempt to resolve his issue via EPM, as suggested in the Coast Guard's advisory opinion. The applicant replied on January 28, 2024, and stated that he would like to reenlist for six years on the same day as ending his contract so he can receive a \$30,000 SRB.

APPLICABLE REGULATIONS

Section 4 of ALCOAST NOTICE (ACN) 104/21, issued in October 2021, states that a \$10,000 CSTB is authorized for current active duty enlisted personnel who agree to attend the BM Rating Apprenticeship Program (RAP), and agree to extend their enlistment upon graduation to meet obligated service requirements.

Section 5.j. of ACN 104/21 states that a \$35,000 Zone A SRB is authorized for BM2 members who reenlist for an additional six (6) years of active duty service obligation. The ACN does not authorize a Zone B SRB for the BM rate.

Chapter 1.A.2. of COMDTINST M7220.2, the Military Bonus Programs Manual, states that a non-rate is a member without a guaranteed affiliation with a Class "A" school or "Striker" program.

Chapter 1.B.3. of the 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.a. lists these criteria for receiving 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 of active service on the date of reenlistment or the operative date of the extension.
- (4) Be serving in pay grade E-3 or higher. (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, 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 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.

Chapter 1.C.1 of the Bonus Manual states that the Critical Skills Training Bonus program is an incentive to attract qualified personnel to critical skills or ratings. This program applies to all non-rated field personnel.

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 was promised a CSTB for signing a four-year reenlistment contract on May 19, 2022. When considering allegations of error and injustice, the Board begins its analysis by presuming administrative regularity on the part of the Coast Guard and other Government officials, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust. 33 C.F.R. § 52.24.

3. The applicant's record contains a four-year reenlistment contract dated May 19, 2022, that he signed after being told that he could receive a CSTB if he reenlisted for four years and agreed to switch rates from MK to BM. This advice was erroneous because although ACN 104/21 established a CSTB for members who agreed to switch to the BM rate, the applicant was not eligible for the CSTB because he was already a rated member. Chapter 1.C.1 of the Bonus Manual states that the CSTB program applies to non-rated field personnel. The applicant completed MK "A" School on December 18, 2015. Because he was rated personnel, as an MK3, prior to his rating of BM3 and his May 19, 2022, reenlistment, he was not eligible for a CSTB payment.

4. The applicant asked the Board to allow him to change the term of his May 19, 2022, reenlistment contract from four years to six years so he can receive an SRB. The Board finds that if the applicant had been properly counseled prior to signing the four-year reenlistment contract on May 19, 2022, he would have been told that he was not eligible to receive an SRB because ACN 104/21 offered only a Zone A SRB for the MK rate. ACN 104/21 did not provide a Zone B SRB for the MK rate. Pursuant to Chapter 1.B.4.a. of the Bonus manual, members with more than six years of active service are in Zone B and are ineligible to receive a Zone A SRB. The applicant enlisted in the Coast Guard on July 15, 2014 and had over seven years of active service when he signed the reenlistment contract on May 19, 2022. Because the applicant had more than six years of active service, he was no longer in Zone A and could not have received a SRB at the time of the 2022 reenlistment.

5. In his response to the advisory opinion, the applicant asked the Board to correct the record to end his current contract and reenlist the same day for six years to receive an SRB of \$30,000. However, it is unclear from the evidence of record whether the applicant has exhausted his administrative remedies and sought resolution through normal means of contract cancellation or modification through PSC's Enlisted Personnel Management Division, Career Retentions Section. The applicant has not provided the Board any documentation that such request was

submitted and denied. If he has not done so already, the applicant should submit the required documentation to the Career Retentions Section email address and link listed above.

6. While the applicant was provided erroneous advice, the relief he seeks is precluded by Coast Guard manuals and policy. As such, the Board finds the applicant's request to be paid a CSTB for signing a four-year reenlistment contract on May 19, 2022, should be denied, and his request to change the term of that reenlistment from four years to six years to receive an SRB should also be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of BM2 [REDACTED] [REDACTED] USCG, for correction of his military record is denied.

July 3, 2024

[REDACTED] Digitally signed by [REDACTED]
Date: 2024.07.15 19:03:30 -04'00'

[REDACTED]

[REDACTED] Digitally signed by [REDACTED]
Date: 2024.07.16 11:42:55 -04'00'

[REDACTED]

[REDACTED] Digitally signed by [REDACTED]
Date: 2024.07.16 11:58:30 -04'00'

[REDACTED]