

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2023-061


GM1

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 application upon receiving the applicant's completed application on August 23, 2023, and prepared the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated June 14, 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 Gunner's Mate first class (GM1/E-6), currently on active duty, asked the Board to correct his record by cancelling the reenlistment contract that he signed on April 11, 2018, and reenlisting him on his 6th active duty anniversary, which he stated, was August 21, 2017, to receive a selective reenlistment bonus (SRB).¹ He alleged that he was not counseled about his eligibility to reenlist on the anniversary for the SRB and that he would have reenlisted for six years on the anniversary if he had been timely counseled that he was eligible for an SRB.

In support of his request, the applicant submitted a copy of an enlistment contract dated June 4, 2013; a Page 7 with SRB counseling dated April 2, 2018; and a reenlistment contract dated April 11, 2018. These documents are included in the Summary of the Record below.

¹ SRBs allow the Coast Guard to offer a reenlistment incentive to members who possess highly desired skills at certain points during their career. SRBs vary according to the length of each member's active duty service, the number of months of service newly obligated by the reenlistment or extension of enlistment contract, and the need of the Coast Guard for personnel with the member's particular skills, which is reflected in the "multiple" of the SRB authorized for the member's skill/rating, which is published in an ALCOAST. Within 90 days prior to a member's 6th active duty anniversary, the member is eligible to reenlist for either a Zone A SRB if one is authorized for his rating and the member has not already received one.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on July 20, 2010, and was discharged May 6, 2011, after completing the Coast Guard Scholar Program and 9 months, 17 days of active duty. A few weeks later, he began attending the Coast Guard Academy from June 27, 2011, but was discharged on June 20, 2012. His 11 months and 24 days as a cadet counts as active duty because he did not receive a commission. Almost a year later, he reenlisted in the Coast Guard on June 4, 2013, and completed recruit basic training. According to a Statement of Creditable Service in his record, his adjusted active duty base date (ADBBD) is August 23, 2011. The applicant attended GM "A" School² from June 22, 2014, to September 19, 2014; advanced to GM3 on November 6, 2014; and was a GM3 on his 6th active duty anniversary, August 23, 2017.

On April 2, 2018, the applicant was counseled that he was eligible to reenlist but was not eligible to receive an SRB. He signed a four-year reenlistment contract on April 11, 2018, to obligate service for transfer. The applicant advanced to GM2 on December 1, 2017, and to GM1 on December 1, 2022. His active duty base date³ is August 23, 2011.

APPLICABLE REGULATIONS

Article 1.B.3 of COMDTINST M7220.2, the Military Bonus Programs Manual, states that all personnel with ten years or less active service who reenlist or extend for any period, however brief, shall be counseled on the SRB program and shall sign a Page 7 outlining the effect that particular action has on their SRB entitlement.

Article 1.B.5.i of the manual provides that Commanders are authorized to effect early discharge and reenlist members within three months prior to their 6th, 10th, and 14th year anniversaries, for the purpose of qualifying for an SRB.

Article 1.B.4.a provides that, to receive a Zone A SRB, a member must meet the following criteria:

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 extended active duty as a Reserve) 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.

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

³ Active Duty Base Date (ADBBD) is a constructive date computed from active service (only) performed in any branch of the Armed Forces, as modified by time lost or periods not creditable for active Federal service. Active Duty Base Dates are used for determining retirement eligibility, <https://www.dcms.uscg.mil/Portals/10/CG-1/PPC/pppm/apxc.pdf> (last visited on April 30, 2024).

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.

ALCOAST 157/16, issued on April 27, 2016, authorizes accession and retention bonuses through FY17 (until September 30, 2017). It authorizes a \$36,000 Zone A SRB for members in the GM rating who agree to reenlist for an additional six years of active duty service. It also states that Zone A Members are eligible for the bonus if they have more than 17 months and less than 6 years time-in-service (TIS) and are within 3 months of their 6th active duty anniversary.

VIEWS OF THE COAST GUARD

On April 19, 2024, 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). PSC recommended that the Board grant relief.

PSC recommended that the Board grant relief because there is nothing in the record to show that the applicant was counseled about his eligibility to reenlist on his 6th active duty anniversary to receive an SRB. PSC noted that it is likely that his 6th anniversary date was missed by his administrative office and the applicant himself due to the break in service in which he previously was a Coast Guard Academy Scholar and accrued enlisted time in service. PSC argued that this interruption in service likely contributed to him being unaware of his adjusted ADBD and its effect on his 6th active duty anniversary.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 19, 2024, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The Chair did not receive a response.

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.
2. The applicant alleged that he was not counseled regarding his eligibility to reenlist for an SRB when he reached his 6th active duty anniversary and was erroneously and unjustly denied an SRB. 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.⁴ 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.”⁵

3. There is no Page 7 in the applicant’s record to show that he was counseled about his opportunity to reenlist for an SRB during the three months leading up to his 6th active duty anniversary in 2017, as required by Article 1.B.3 of the Bonus Manual. The Coast Guard admitted that his record does not contain evidence of timely counseling. The Board finds that the absence of the required Page 7 proves by a preponderance of the evidence that he was not timely counseled about his eligibility for an SRB before his 6th active duty anniversary on August 23, 2017.

4. Under Article 1.B.3 of the Bonus Manual, the applicant was eligible to reenlist for an SRB during the three months before his 6th active duty anniversary to receive a Zone A SRB because there was one available for his rating. The Board finds that if the applicant had been properly counseled, then he would have been told that as a GM3 he was eligible to reenlist for up to six years to receive an SRB of up to \$36,000 pursuant to ALCOAST 157/16. The applicant stated that if he had been properly counseled, then he would have signed a six-year reenlistment contract on the anniversary to receive the SRB. The record shows that the applicant did reenlist less than a year later, in 2018, to obligate service to accept transfer orders.

5. The applicant has proven by a preponderance of the evidence that he was not properly counseled about his eligibility to reenlist for an SRB on his 6th active duty anniversary and that if he had been timely counseled, he would have reenlisted for six years to receive the maximum SRB for his rating. Accordingly, the Board should order the Coast Guard to correct his record by voiding the April 11, 2018, reenlistment contract and replacing it with a six-year reenlistment contract on August 21, 2017, shortly before his 6th active duty anniversary,⁶ to receive a Zone A SRB in accordance with ALCOAST 157/16.

(ORDER AND SIGNATURES ON NEXT PAGE)

⁴ 33 C.F.R. § 52.24(b).

⁵ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

⁶ Although the Statement of Creditable Service in the applicant’s record and the BCMR staff’s calculations show that the applicant’s 6th anniversary on active duty was August 23, 2017, because his adjusted active duty base date is August 21, 2011, the Coast Guard stated repeatedly that it was August 22, 2017, and the applicant stated that it was August 21, 2017. Because the date of enlistment can be up to three months before the 6th anniversary, but not after, the Board will direct the Coast Guard to reenlist the applicant on August 21, 2017, as the applicant requested.

ORDER

The military record of GM1 [REDACTED] [REDACTED] USCG, shall be corrected to show that he reenlisted for a term of six years on August 21, 2017, to receive a Zone A SRB as provided under ALCOAST 157/16. The Coast Guard shall remove his April 11, 2018, reenlistment contract from his record as null and void and pay him any amount due as a result of these corrections.

June 14, 2024

[REDACTED] Digitally signed by [REDACTED]
Date: 2024.06.17
14:20:15 -04'00'

[REDACTED] Digitally signed by [REDACTED]
Date: 2024.06.17 14:31:55
-04'00'

[REDACTED]

[REDACTED] Digitally signed by [REDACTED]
Date: 2024.06.17 16:39:34
-04'00'

[REDACTED]