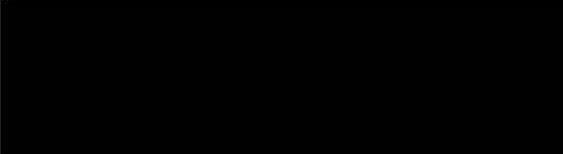


DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 1998-054



FINAL DECISION

Attorney Advisor:

This proceeding was conducted according to the provisions of section 1552 of title 10, United States Code. It was commenced upon the BCMR's receipt of the applicant's request for correction on February 3, 1998.

This final decision, dated February 25, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED

The applicant, a former machinery technician third class (MK3) in the United States Coast Guard, asked the Board to correct his military record by changing his reenlistment code from RE-4 (not eligible for reenlistment) to RE-1 (eligible for reenlistment).

ALLEGATIONS OF THE APPLICANT

The applicant alleged that he was honorably discharged at the end of his enlistment in June 1995. He stated that after he noticed that he had been assigned an RE-4, he questioned it and was told there was nothing he could do to change it. He alleged that there was no reason for him to have received an RE-4. He now wishes to reenlist in the Coast Guard.

VIEWS OF THE COAST GUARD

On January 21, 1999, the Chief Counsel of the Coast Guard submitted an advisory opinion recommending that the Board grant the requested relief.

The Chief Counsel attached to his advisory opinion a memorandum that he had received from the Coast Guard Personnel Command (CGPC) on July 16, 1998. CGPC explained that the applicant had been reviewed by a Centralized

First Term Re-enlistment Review (CFTRR) Panel in December 1994 because his first, four-year enlistment was scheduled to end in June 1995. Although the applicant's command had recommended him for reenlistment, the applicant indicated that he did not wish to reenlist. The CFTRR Panel based its decision to deny him reenlistment authorization solely on his indication that he did not wish to reenlist. (At the time, members discharged by the CFTRR Panel could only be assigned RE-4 codes, but this policy has now changed.)

CGPC stated that there was only one negative administrative entry (page 7) in the applicant's record. His evaluations indicate that he was "an above average performer." The applicant would have received an RE-1 code had he indicated that he wished to reenlist. Therefore, CGPC recommended that the applicant's reenlistment code be changed to RE-1.

SUMMARY OF THE RECORD

The applicant enlisted on June 24, 1991, for a period of four years under the delayed entry program. His record contains one positive and one negative page 7 entry. He received the National Defense Service Medal on January 10, 1993.

The applicant was honorably discharged on June 23, 1995. The narrative reason for his discharge is listed as "completion of required active service" and his separation code is JBK ("involuntary discharge directed . . . upon completion of required service").

APPLICABLE REGULATIONS

Article 1.G.5.8. of the Personnel Manual (COMDTINST M1000.6) states that "[f]irst term personnel are not eligible for reenlistment without authority from the Centralized First Term Reenlistment Review (CFTRR)."

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 submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10, United States Code. The application was timely.
2. The applicant alleged that he had wrongly been assigned an RE-4 reenlistment code when he was discharged in June 1995. He asked the Board to change it to RE-1.
3. The Chief Counsel recommended that the Board grant the requested relief. CGPC explained that the applicant had been recommended for reenlistment by his command but had been assigned an RE-4 because he was discharged by the CFTRR. At the time, the CFTRR Panel assigned RE-4s to any

persons being discharged who indicated that they did not wish to reenlist at that time. However, the applicant's command had recommended him for reenlistment.

4. The Board finds that the Coast Guard committed an injustice in discharging the applicant with an RE-4 reenlistment code based solely on his indication that he did not wish to reenlist.

5. Accordingly, the applicant's request for relief should be granted, and his DD Form 214 should be corrected to show that he received an RE-1 reenlistment code rather than an RE-4.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application for correction of the military record of [REDACTED]
[REDACTED] USCG, is hereby granted as follows:

Block 27 on the applicant's DD Form 214 shall be corrected by replacing the RE-4 reenlistment code with an RE-1 reenlistment code.

