

**DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2000-166**

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**FINAL DECISION**

**██████████ Attorney-Advisor:**

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. It was docketed upon the BCMR's receipt of the applicant's request on July 25, 2000.

This final decision, dated May 31, 2001, is 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 former xxxxxxxxxxxx in the Coast Guard and current member of the Army Reserve, asked the Board to correct his military record by changing his reenlistment code from RE-3R (eligible for reenlistment except for disqualifying factor: unsuccessful in obtaining professional growth objective) to RE-1 (eligible for reenlistment).

The applicant alleged that he is currently serving in the Army Reserve but would like to serve in the Coast Guard Reserve instead.

**SUMMARY OF THE RECORD**

The applicant enlisted as a seaman recruit in the Coast Guard on October 19, 1987. Upon completing boot camp in December 1987, he was advanced to seaman apprentice. On September 16, 1988, he was advanced to seaman. In the summer of 1990, the applicant attended "A" School to become a xxxxxxxx. On September 7, 1990, he was advanced to xxxxxxxx.

In 1991, the applicant received several adverse administrative entries in his record, documenting several "bounced" checks, costly clerical errors, poor workmanship, misuse of government telephones, and not following proper procedures.

In 1994, the applicant received an administrative entry noting that during the previous several months he had made many costly record-keeping errors, failed to follow instructions, and showed an inability to learn from his mistakes. The entry further stated that he appeared to work hard but that his work had "not improved to satisfactory levels."

In 1995, the applicant received evaluation marks of 2 (on a scale from 1 to 7, with 7 being best) in the performance categories "professional/specialty knowledge" and "quality of work." The administrative entry accompanying these marks stated that he was lacking the "basic knowledge of the standard workstation, personnel property accountability system, and routine correspondence." It also stated that he could not format a file, often lost electronic files, and misfiled documents.

The applicant continued to receive very low performance marks. In 1996, he was reduced in rate from XXX, pay grade E-4, back to seaman, pay grade E-3. Apart from his continued unsatisfactory performance, there is no cause for the reduction in rate apparent in his official record.

On July 31, 1997, the applicant received an involuntary honorable discharge at the end of his enlistment for failing to meet the required Professional Growth Points (PGP) under the High Year Tenure (HYT) system. He received an RE-3R reenlistment code and a JBC separation code. The narrative reason for separation shown on his DD 214 is "maximum service or time in grade." Thereafter, he apparently joined the Army Reserve.

## **VIEWS OF THE COAST GUARD**

On January 11, 2001, the Chief Counsel of the Coast Guard submitted an advisory opinion recommending that the Board deny the requested relief. The Chief Counsel pointed out that the applicant's RE-3R reenlistment code is not an absolute bar to his reenlistment "if, in the opinion of his Recruiter, Applicant has resolved his disqualifying factor and his Recruiter believes the Coast Guard would benefit from Applicant's reenlistment."

The Chief Counsel adopted by reference a memorandum prepared by the Coast Guard Personnel Command (CGPC) concerning the applicant's case. CGPC stated that under Article 12.G.9. of the Personnel Manual, members in pay grades E-3 and E-4 "may reenlist or extend up to but not beyond seven years, one month's active Coast Guard service and 10 years, 1 month total military service." Therefore, he argued, the

applicant could not reenlist when his enlistment expired at the end of July 1997, because he had already completed more than 10 years and 1 month of total military service.

CGPC stated that the applicant had failed to submit a request for waiver of the PGP requirement. CGPC also attached a copy of Article 12.G.9. of the Personnel Manual, which indicates that members may not seek such waivers unless they are in pay grade E-4 or above.

CGPC further stated that under Article 2.E.1.b.2. of the Recruiting Manual, no member in pay grade E-3 or below can reenlist if he or she has more than 6 years of prior active service. Because the applicant has more than 10 years of prior service, CGPC stated, he is not eligible to reenlist. Furthermore, because the applicant is 37 years old, under Figure 3-2 in the Recruiting Manual, he cannot reenlist because he is not in pay grade E-4 or above.

### **APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On January 12, 2001, the Chairman sent the applicant a copy of the views of the Coast Guard and invited him to respond within 15 days. On February 5, 2001, the applicant responded. He indicated that he thought he had "no choice albeit reluctantly but to make no objection" to the Chief Counsel's advisory opinion.

### **APPLICABLE REGULATIONS**

Article 12.D.6.a. of the Coast Guard Personnel Manual in effect in 1997 stated that "HYT establishes limits on the amount of time an active duty enlisted member can remain at each paygrade. It is designed to increase personnel flow and compel member to advance in their rating."

Article 12.D.6.b.(3) defined Professional Growth Points (PGP) as the "maximum time in service for each pay grade." Article 12.D.6.c.(3) states that for members in pay grade E-3 and E-4, the PGP is "7 years active Coast Guard service or 10 years active military service whichever gives the member a greater total of active military service. [Members may] reenlist/extend up to, but not beyond 7 years, 1 month active Coast Guard service or 10 years, 1 month active military service." Article 12.D.6.i. provides that only members in pay grades E-4 and above may request a waiver of PGP requirements.

The Separation Designator Program (SPD) Handbook provides that members who are involuntarily discharged when they have attained the maximum amount of time or service in a pay grade are assigned an RE-3R reenlistment code, JBC separation code, and "maximum service or time in grade" as a narrative reason for separation.

Article 1.G.6.7. of the current Personnel Manual states that a “person desiring to enlist or reenlist in the Coast Guard Reserve must not have over 13 years’ total military service and not more than 10 years of active duty, unless enlisted or reenlisted within 24 hours at the same unit from which discharged. Such a person NOT enlisting or reenlisting within 24 hours may be considered for a waiver in accordance with the Recruiting Manual, COMDTINST M1100.2 (series), and must be processed through a Coast Guard recruiting office.”

## 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. At the end of his enlistment in July 1997, the applicant was in pay grade E-3 and had served 9 years, 9 months, and 12 days in the Coast Guard and 10 years and 9 days of total active duty in the military. Therefore, under Article 12.D.6. of the Personnel Manual, he had exceeded the PGP for his pay grade and was ineligible to reenlist or to seek a waiver of the PGP.

3. The SPD Handbook requires that members involuntarily discharged because they have exceeded their PGP under HYT be assigned an RE-3R reenlistment code. Therefore, the applicant has not proved that his reenlistment code was assigned in error.

4. The applicant apparently is currently serving in the Army Reserve and would like to transfer to the Coast Guard Reserve. However, under Article 1.G.6.7. of the Personnel Manual and other provisions in the Recruiting Manual, he is ineligible for enlistment in the Coast Guard Reserve unless a Coast Guard recruiter seeks and receives a waiver on his behalf.

5. The RE-3R code is not an absolute bar to his joining the Coast Guard Reserve, but the applicant must be able to convince a Coast Guard recruiter that he would be a significant asset to the Reserve. The applicant’s military record indicates that during his more than 6 years as a xxxxxx third class in the Coast Guard, he was unable to master the basic skills of his rate. Therefore, the Board finds that the RE-3R code on his DD 214 does not constitute an injustice.

6. Accordingly, the applicant’s request for relief should be denied.

**[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]**

**ORDER**

The application for correction of the military record of XXXXXXXXX, USCG, is hereby denied.

