

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2013-050



FINAL DECISION

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. The Chair docketed the application upon receipt of the applicant's completed application on January 11, 2013, and subsequently prepared the final decision as required by 33 C.F.R. § 52.61(c), with the assistance of [REDACTED]

This final decision, dated September 26, 2013, 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 asked the Board to correct his military record by changing his RE-3H (discharge due to hardship) reenlistment code "so that I can continue to serve in the United States Coast Guard." The applicant alleged that the RE-3H is unjust because it is preventing him from enlisting in the Coast Guard Reserve. He stated that he was told prior to his discharge that he would be able to enlist in the Coast Guard Reserve. However, when he contacted the recruiting officer he was told that he was not able to enlist due to his reenlistment code. He stated that requesting a hardship discharge was the last thing he wanted to do, but was left no choice when his requests for a mutual, unilateral, or hardship transfer were denied.

The applicant enlisted in the Coast Guard on March 10, 2009. On August 10, 2011, he requested a hardship discharge due to a family situation. In his request for a hardship discharge, the applicant stated the following:

I do understand that I will not be released to the CG reserves if a hardship is approved in accordance with [the Personnel Manual], but I do request, if released early on my active duty contract, to continue to serve in the United States Coast Reserve near my residence in [REDACTED]. I understand that I am requesting a hardship discharge and any consideration to this request would be greatly appreciated. I enjoy being a Boatswain's Mate and serving in the Coast Guard

and feel that I would be a better Coast Guardsman in the reserves so I can care for and be there for my family and also continue to serve my country while doing so.

On November 2, 2011, the Commander, Personnel Service Center (PSC) approved the applicant's discharge due to hardship under Article 1.D.3. of the Military Separation Manual and the assignment of the KDB separation code.

Prior to filing his application with the Board, the applicant asked the DRB to change his RE-3H reenlistment code to RE-1(eligible to reenlist) so that he could enlist in the Coast Guard Reserve. He stated that his hardship had been resolved. The DRB did not change the applicant's reenlistment code. The DRB stated that the RE-3 is appropriate and authorized by regulation for the applicant's hardship discharge. The DRB stated that an RE-3 is not an affirmative recommendation for reenlistment, rather it represents that the applicant is not recommended for reenlistment due to a disqualifying factor.

VIEWS OF THE COAST GUARD

On July 18, 2013, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief in this case. In so doing, he adopted the findings and analysis provided in a memorandum on the case prepared by the Personnel Service Center (PSC). The JAG stated that the applicant was granted a hardship discharge on December 5, 2011, whereby he acknowledged that he was not eligible for immediate transfer to the Reserve. The JAG stated that after only 36 days, the applicant attempted to enlist in the Reserve stating his hardship was completely resolved.

PSC recommended that the application be denied, but did not object to changing the RE-3H reenlistment code to RE-3 under the current policy that eliminates modifiers on RE-3 reenlistment codes. PSC stated that the applicant was discharged for a dependency hardship and RE-3 is the appropriate reenlistment code for that type of separation. PSC stated even if the applicant's reenlistment code is changed from RE-3H to RE-3, he would still need to explain to a recruiter the circumstances for his discharge and to obtain waiver for reenlistment. The JAG did not object to changing the reenlistment code to RE-3.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 23, 2012, the Board sent a copy of the views of the Coast Guard to the applicant for a response. The Board did not receive a reply.

APPLICABLE LAW

Coast Guard Military Separations Manual

Article 1.D.2.c. of the current Coast Guard Military Separations Manual provides that the Commander (PSC) may direct the discharge of a member when an undue or genuine dependency exists, is not of a temporary nature, and the conditions have arisen or been aggravated excessively since the member entered the Service. Examples include situations in which the

member's family is undergoing hardship more severe than normal, and the hardship is long-term or permanent.

Article 1.D.9. states that members separated for hardship or dependency will not be released to the Reserve.

Separation Program Designator (SPD) Handbook

The SPD Handbook states that the KDB separation code is assigned when there is a voluntary discharge allowed by established directive when continued retention in the military service would impose a hardship, including hardship when a member assumes responsibility for the support of a dependent. The SPD Handbook authorizes either a RE-3H or a RE-4 (not eligible to reenlist) reenlistment code.

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 over this matter pursuant to 10 U.S.C. 1552. The application was timely.
2. The applicant requested an oral hearing before the Board. The Chair, acting pursuant to 33 C.F.R. § 52.51, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation.
3. The applicant was discharged from the Coast Guard due to a family hardship. PSC directed that he receive the KDB (hardship) separation code. According to the SPD Handbook, the KDB separation code authorizes either and RE-3H or an RE-4 reenlistment code. It does not authorize an RE-1.
4. The applicant claimed that the RE-3H is preventing him from enlisting in the Reserve. He stated that he was told that he would be able to enlist in the Reserve if he received a hardship discharge. However, in his request for a hardship discharge, the applicant acknowledged that he would not be released to the Reserve, and there is nothing in the record promising him that he would be allowed to enlist in the Reserve after his discharge.
5. The RE-3H is not a bar to reenlistment, but a waiver must be obtained to reenlist. Changing the applicant's reenlistment code from RE-3H to RE-3 is not beneficial to the applicant because an RE-3 also requires the applicant to obtain a waiver to enlist in the Armed Services.
6. Accordingly, the application should be denied because the applicant failed to prove that the Coast Guard committed an error or injustice that requires corrective action.

ORDER

The application of former
military record is denied.



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