

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2001-116

FINAL DECISION

 **Deputy Chair:**

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. It was docketed on July 31, 2001, when the Board received the applicant's completed application.

This final decision, dated May 30, 2002, 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 asked the Board to cancel a 15-month extension contract he signed on January 5, 1994. He alleged that the contract was intended to extend his first enlistment, which was due to end on January 12, 1996. He alleged that when he reenlisted for four years on December 1, 1995, before the extension became operative, it should have been canceled. However, the extension was not canceled, and it appears in his record as an extension of his new enlistment.

SUMMARY OF THE RECORD

On January 13, 1992, the applicant enlisted for four years, through January 12, 1996. On January 5, 1994, he extended his enlistment for 15 months, from January 13, 1996, through April 12, 1997, to obligate sufficient service to accept transfer orders.

On December 1, 1995, the applicant reenlisted for four years, through November 30, 1999. His command marked the extension contract in his unit Personnel Data

Record (PDR) as canceled, but the cancellation was apparently never processed through headquarters. Therefore, it acted as an extension of his 1995 reenlistment and made February 28, 2001, his end of enlistment date.

On October 17, 2000, the applicant extended his enlistment for one year, from March 1, 2001, to February 28, 2002. On February 14, 2001, the applicant canceled that extension and voluntarily extended his enlistment for another two years, through February 28, 2003. January 13, 2002, was his tenth anniversary on active duty.

VIEWS OF THE COAST GUARD

On November 26, 2001, the Coast Guard recommended that the Board grant relief. He stated that the 15-month extension contract should have been canceled when the applicant reenlisted on December 1, 1995. He recommended that the Board cancel all of the extension contracts in the applicant's record; create a new 2-year extension contract to cover the period from December 1, 1999, to November 30, 2001; and permit the applicant to reenlist on December 1, 2001, "for however many years he wishes" to receive an SRB under ALCOAST 127/01.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 24, 2002, the applicant responded to the views of the Coast Guard. He stated that he agreed that his 15-month extension should be canceled and that a new two-year extension should be created covering the period December 1, 1999, through November 30, 2001. He further stated that he is not interested in receiving an SRB under ALCOAST 127/01 and that, if his record had been correct, he would have extended his enlistment for another two years in November 2001 to make his new end of enlistment November 30, 2003.

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 10 U.S.C. § 1552. The application was timely.
2. Under Article 1-G-20.b. of the Personnel Manual, the Coast Guard erred when it failed to cancel the applicant's extension when he reenlisted on December 1, 1995.
3. Under Article 1-G-14 of the Personnel Manual, when his December 1, 1995, reenlistment ended on November 30, 1999, the applicant would have been

required to sign at least a 2-year extension contract, through November 30, 2001, to avoid being discharged. At the end of that extension, he would have been required to and entitled to extend his record for at least another two years.

4. In light of the applicant's history of short-term extensions, the Board is persuaded that, if the Coast Guard had properly canceled his 15-month extension in 1995, he would have extended his contract for two years in 1999 and again in 2001.

5. Accordingly, the applicant's request should be granted.

ORDER

The application of xxxxxxxxxxxxxxxxxxxxxxxxx, USCG, to correct his military record is granted as follows.

All existing extension contracts in his record shall be canceled.

His record shall be corrected to show that he extended his enlistment for two years from December 1, 1999, through November 30, 2001.

His record shall further be corrected to show that he extended his enlistment a second time, for another two years, from December 1, 2001, through November 30, 2003.

