

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

Application for Correction
of the Coast Guard Record of:

BCMR Docket No. 2007-150

**XXXXXXXXXXXXXXXXXX.
XXXXXXXXXXXXXXXXXX**

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case on June 21, 2007, upon receipt of the applicant's completed application, and subsequently prepared the final decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated March 13, 2008, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED

The applicant asked the Board to correct his record to show that he enlisted in the Coast Guard on June 25, 2006 rather than on June 19, 2006. The applicant stated that when he left the Air Force on terminal leave on June 19, 2006, he thought that he had been discharged. He stated that he was not discharged from the Air Force until June 24, 2006.

VIEWS OF THE COAST GUARD

On November 6, 2007, the Board received an advisory opinion from the office of the Judge Advocate General (JAG) of the Coast Guard. He recommended that the Board grant relief to the applicant. The JAG stated that a review of the applicant's record verifies that he enlisted in the Coast Guard on June 19, 2006, while still a member of the Air Force on terminal leave. He was discharged from the Air Force on June 24, 2004. The JAG stated that it is believable that the applicant mistakenly thought (prior to receiving his DD 214) that he had been separated from the Air Force when he enlisted in the Coast Guard on June 19, 2006, for four years.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On January 11, 2008, the Board received the applicant's response to the views of the Coast Guard. He agreed with them.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions of the applicant and the Coast Guard, the military record of the applicant, and applicable law.

1. The BCMR has jurisdiction of the case pursuant to section 1552 of title 10, United States Code. The application was timely.

2. The applicant stated that when he enlisted in the Coast Guard on June 19, 2006, he believed he had been separated from the Air Force. However, he discovered on July 27, 2006, that he was not discharged from the Air Force until June 24, 2006. He stated that that the period from June 19, 2006 to June 24, 2006 was a period of terminal leave from the Air Force.

3. The JAG recommended that the Board grant relief to the applicant. According to the JAG, it is believable that the applicant thought he had been discharged from the Air Force when, in fact, he was only on terminal leave. The applicant was officially discharged from the Air Force on June 24, 2006. Nothing on the applicant's DD 214 indicates that he was a terminal leave when he left the Air Force. Although the DD 214 shows the separation date as June 24, 2006, it also indicates that the applicant had been discharged from the Air Force. Therefore, the Board agrees with the JAG that the applicant and the Coast Guard were confused about his discharge date from the Air Force. The Board finds that the applicant should not have been allowed to enlist in the Coast Guard until after his discharge from the Air Force. Article 1.G.1. & 2. of the Personnel Manual speaks in terms of reenlistments after discharge, not during a period of service.

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

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of SN XXXXXXXXXXXXX, USCG, for correction of his military record is granted. His record shall be corrected to show that he enlisted in the Coast Guard for four years on June 25, 2006, instead of June 19, 2006.

