


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

Application for Correction
of Coast Guard Record of:

BCMR Docket
No. 128-97

FINAL DECISION

 **Chairman:**

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on May 22, 1997, upon the BCMR's receipt of the applicant's request for correction of his military record.

The final decision, dated May 8, 1998, is signed by the three duly appointed members who were designated to serve as the Board in this case.

Request for Relief

The applicant is a former boatswains mate (BM3; pay grade E-4). He originally enlisted in the Coast Guard on July 9, 1973, and he was transferred to the Coast Guard Reserve (USCGR) on September 2, 1977. On April 1, 1990, he was assigned to the Individual Ready Reserve (IRR). His reserve duty expired on May 31, 1996.

On May 31, 1996, the applicant was honorably discharged from the Reserve by reason of the expiration of his enlistment.

Prior to his discharge, the applicant asked to be placed in a retirement status of RET-3 (retirement without entitlement to pay). On February 13, 1997, his request was turned down "due to lack of information." After his discharge, on his application for correction, he asked that the BCMR transfer him to retirement category RET-3. He stated that he met the eligibility requirements for placement in category RET-3, although he admitted that he was not entitled to a retirement pension because he did not have 20 creditable service years.

Views of the Coast Guard

On March 19, 1996, the Chief Counsel of the Coast Guard and the Commander of the Coast Guard Personnel Command (CGPC) recommended that the applicant not be placed in retirement category RET-3. According to these officers, he was not eligible for RET-3.

The CGPC stated that reservists may be placed in the Retired Reserve (RET-3) if they have completed a minimum of eight years service creditable toward retirement. This applicant, however, did not have eight years of creditable service. According to his military record, he completed less than six years service creditable toward retirement (5 years, 11 months, and 29 days). CGPC and the Chief Counsel of the Coast Guard concluded, accordingly, that he was ineligible for RET-3.

EXCERPTS FROM RATMAN (Reserve Administration and Training Manual)

Article 12-C-6. "Reservists may be placed in the Retired Reserve (RET-3), if they wish to be transferred to a retired status

a. . . . providing they:

"(1) Have completed eight years of service toward retirement under 10 U.S.C. 1331-1336, . . ."

Article 12-C-9: "Reservists are required to complete 20 years of satisfactory Federal service and attain age 60 to be entitled to retired pay. Fifty points must be earned in an anniversary year for that year to be satisfactory for computation of service for retirement.

"a. Fifteen retirement points are awarded each anniversary year for membership in the Ready Reserve or Standby Reserve."

Applicant's Response to the Views of the Coast Guard

On March 25, 1998, the Board sent the applicant a copy of the advisory opinion in this case. It invited the applicant to comment on the views of the Coast Guard.

The applicant did not submit any comments on the Coast Guard views.

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 Board has jurisdiction to determine the issues in this proceeding under section 1552 of title 10, United States Code. The application was timely.

2. The applicant requested an oral hearing. The Chairman, pursuant to § 52.31 of the Board's rules, recommended disposition on the merits without a hearing. The Board concurred.

3. The applicant was a member of the Coast Guard Reserve for 17 years, from 1977 to 1993. He did not complete 20 years of satisfactory Federal service, the amount which renders one eligible for a pension. Achievement of a pension requires a reservist to serve 20 years and to earn 50 points per year. (The applicant generally earned only 15 points per year during his years in the Reserve.) Article 12-C-9, RATMAN.

4. Article 12-C-6, RATMAN, provides that a reservist may be placed in RET-3 if he or she has "completed eight years of service toward retirement."

5. The applicant did not meet this eligibility requirement. At the time of separation, he had completed only five years, 11 months, and 29 days of creditable service toward retirement.

6. The applicant has not proved that the Coast Guard committed an error or an injustice with respect to his retirement status.

7. Accordingly, the application for correction should be denied on the merits.

ORDER AND SIGNATURES ON FOLLOWING PAGE

ORDER

The application to correct the military record of [REDACTED]
[REDACTED] JSCG, is denied.

