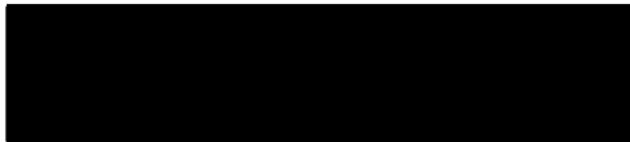


DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS

Application for Correction of
Coast Guard Record of:



BCMR Docket
No. 129-96

FINAL DECISION

 Attorney-Advisor:

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on July 1, 1996, upon the BCMR's receipt of the applicant's request for correction.

This final decision, dated March 12, 1998, is signed by the three duly appointed members who were designated to serve as the Board in this case.*

Applicant's Request for Relief

The applicant is a quartermaster second class (QM2; pay grade E-5) in the Coast Guard Reserve. He asked the Board to change the effective date of his Reserve enlistment from May 28, 1996, to May 16, 1995. He also asked the Board to reimburse him for the travel expenses he incurred as a result of traveling to Reserve drills.

The applicant asserted that before he was discharged from active duty on May 15, 1995, he submitted his "career intentions form" (CG-PPC 2045). He expressed his interest in immediately enlisting in the active Reserve after his discharge from active duty. He stated that after he submitted that form to the personnel unit at his station, he "never received any further information concerning [his enlistment in the Reserve]."

The applicant stated that after he was released from active duty, he contacted Second Coast Guard District (CGD2) to check on his reserve status. He was told that he was "on the [second district] reserve roster." He expected to receive orders to fill a billet in the second unit in September, 1995, but he did not receive any orders or any other notice regarding his reserve enlistment.

* The applicant's military record was ordered from the National Personnel Records Center (NPRC) in February, 1996, but was not received by the BCMR until April 24, 1997. Therefore, pursuant to § 52.21(c) of the Code of Federal Regulations, the 10-month time period in which the BCMR is required to complete its decision on the application was extended to March, 1998.

The applicant stated that he continued to remain in contact with CGD2. In January, 1996, he requested assistance from the Reserve liaison at CGD2. After working with the liaison, on March 1, 1996, the applicant received orders to travel to the [REDACTED] Recruiting Office for Reserve drills from March 6 - 9 and from March 13-14, 1996. The applicant attended the drills, and submitted a travel claim to CGD2 upon his return in order to be reimbursed for his travel expenses to [REDACTED]. He stated that after he submitted his travel claim, he was contacted by the Reserve liaison who informed him that he was not listed as a Reservist in the Coast Guard computer system.

As a result of the administrative error, his Reserve enlistment date became May 28, 1996, and he had to begin Reserve training again as a new recruit.

The applicant stated that the error cost him "lost time and money due to taking off work for drills and traveling expenses."

Views of the Coast Guard

On January 14, 1998, the Chief Counsel of the Coast Guard recommended granting partial relief to the applicant.

The Chief Counsel stated that after the applicant was discharged on May 15, 1995, he "should have been enlisted successively [on May 16, 1995] in the Reserve, but due to an administrative error, his enlistment paperwork was not completed." He stated that on March 1, 1996, CGD2 sent the applicant orders to drill at the [REDACTED] Coast Guard Recruiting Office. Both the applicant and CGD2 assumed that his enlistment in the Coast Guard Reserve had occurred automatically at the time he was discharged. Additionally, the Chief Counsel stated that it is evident the "applicant believed his enlistment in the CG Reserve was complete, and was reassured of that fact upon receipt of his first orders to drill at CG Recruiting Office [REDACTED].

The Chief Counsel stated that it was not until the applicant submitted his travel claim after completing the drills that CGD2 realized that he was not enlisted in the Coast Guard Reserve. As a result, the applicant was enlisted in the Coast Guard Reserve on May 28, 1996 as a new recruit with prior service.

The Chief Counsel stated that the applicant properly followed the processes for enlisting in the Coast Guard Reserve. He stated that the applicant's "intention to participate as a reservist has been clearly demonstrated" and that the administrative errors made by the Coast Guard were beyond the applicant's control.

However, the Chief Counsel also stated that the applicant "bears some responsibility for not completing an enlistment contract." He therefore recommended that the applicant's record be corrected to show that his date of Reserve enlistment is

March 1, 1996, the same date that he received his orders to drill in [REDACTED]. As a result of that correction, the Chief Counsel stated that the applicant should also receive payment for any drills he performed in that time period.

Applicant's Response

The applicant was sent a copy of the Coast Guard's recommendation and was encouraged to respond. On February 12, 1998, the applicant informed the Board that he agreed with the Coast Guard's recommendation for partial relief.

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 concerning this matter pursuant to section 1552 of title 10, United States Code. The application was timely.
2. The applicant asked the Board to correct his record by changing the effective date of his Reserve enlistment from May 28, 1996 to May 16, 1995. He also asked for travel reimbursement for drills he attended under orders from the Second Coast Guard District (CGD2) in March, 1996.
3. Before he was discharged, the applicant submitted a career intentions worksheet (CGPPC-2045), which is required by Article 1-H-5(e) of the Coast Guard Personnel Manual (COMDTINST M1000.6A, Ch. 26). He did not, however, complete an enlistment contract (CG Form 3301), which is required by Article 1-H-10 (COMDTINST M1000.6A, Ch. 26).
4. The applicant was ordered to attend Reserve training drills and traveled to [REDACTED] to complete those drills, at his own expense. He was correct in assuming that he was enlisted in the Reserve, particularly since he received drill orders.
5. The Coast Guard erred in failing to process the CGPPC-2045 when it was submitted in January, 1996. Had that form been processed, the applicant would have received correspondence from Coast Guard Headquarters approving his immediate enlistment in the Coast Guard Reserve.
6. However, instead of investigating the steps required to effect enlistment into the Reserve, the applicant assumed, with CGD2, that his Reserve enlistment had been effected. As a result, he did not complete a CG Form 3301 for enlistment in the Reserve.

7. There was mutual error on the part of the Coast Guard and the applicant. However, partial relief to the applicant is justified because of his demonstrated intention to become a reservist after his discharge.

8. Accordingly, partial relief should be granted.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application for correction of the military record of [REDACTED] shall be corrected as follows: His record shall show that he enlisted in the Coast Guard Reserve on March 1, 1996. Any travel claims for which he may be eligible as a result of this change to his record should be paid accordingly.

