

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2009-119

**XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX**

TECHNICAL AMENDMENT

This proceeding was conducted according to the provisions of section 1552 of title 10 and pursuant to 33 C.F.R. § 52.73 upon a request from the Judge Advocate General (JAG) that the Board amend the order rendered in this case on November 12, 2009. This technical amendment, dated June 16, 2010, is approved by the three duly appointed members who were designated to serve as the Board in this case.

BACKGROUND SUMMARY

On March 2, 2006, the applicant requested a two-year temporary release from active duty under the temporary separation program to attend college. See Article 12 F. of the Personnel Manual. The applicant's temporary release from active duty was effective June 26, 2006. However, the Coast Guard's Direct Access electronic database erroneously recorded that the applicant's separation as a discharge instead of a release into the Reserve, which created a break in service. In his original application, the applicant asked the Board to correct his record to show that he was in the Individual Ready Reserve (IRR), as he had requested, from June 27, 2006 until June 3, 2008.

In the Findings and Conclusions of the original proceeding, the Board agreed with the Coast Guard that the applicant suffered an injustice and was entitled to relief because he acted reasonably in believing that he was released into the Reserve. The Board reached this conclusion based upon the counseling the Coast Guard provided to the applicant, his specific request to be released into the Reserve, and his DD 214 that shows he was released, not discharged, from active duty in 2006. As the advisory opinion stated, the information in Direct Access (Coast Guard's computerized personnel database) was not available to the applicant. Accordingly, the Board, on the recommendation of the Coast Guard, entered the following order correcting the applicant's record on November 12, 2009:

The application of [applicant's name], for correction of his military record is granted. His record (including Direct Access) shall be corrected to show that he was transferred to the IRR on June 26, 2006, instead of being discharged.

REQUEST FOR TECHNICAL AMENDMENT

On March 31, 2010, the Coast Guard informed the Board that it required a technical amendment to correct the applicant's military record as the Board directed in the original proceeding, the intent of which was to eliminate any break in service in the applicant's record from participating in the temporary separation program. At the time the Coast Guard submitted the advisory opinion in the original proceeding, it believed that the applicant's eight year military obligation began on June 27, 2000, the date he began serving on active duty.¹ However, the Coast Guard belatedly determined that the applicant's original eight-year military obligation actually began on February 23, 2000, the date he entered the delayed entry program and it terminated on February 22, 2008, which was several months short of the June 3, 2008, the date the applicant returned to active duty. Therefore, the applicant has an unintentional break in service from February 23, 2008 until June 3, 2008. The Coast Guard requested and recommended that the Board issue a technical amendment extending the applicant's enlistment by five months to cover any break in service because the applicant did not request to be discharged and was unaware that he would suffer any break in service when he was separated under the temporary separation program. The applicant agreed with the Coast Guard's recommendation. The Board also agrees and issues the following amended order in Docket No. 2009-119.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

¹ By way of explanation, when the applicant enlisted on February 22, 2000, he was placed into the delayed entry program and discharged from that program on June 26, 2000 to begin four years of active duty on June 27, 2000. The applicant's eight-year military obligation began to run from the date he entered the delayed entry program. The Coast Guard indicated that in recommending that the Board correct the applicant's record to show that he was released into the reserve on June 26, 2006 in the original proceeding, it failed to account for the period that the applicant served in the delayed entry program in calculating his eight-year military obligation. Therefore, the applicant's 2000 enlistment expired on February 22, 2008 instead of June 26, 2008, which left the applicant without a contract for the period between February 23, 2008 and June 3, 2008. The failure to account for the five months in calculating the applicant's total military obligation created a break in service from February 23, 2008 until June 3, 2008, when the applicant and the Coast Guard believed he was or should have been in the Individual Ready Reserve (IRR).

ORDER

The application of XXXXXXXXXXXXXXX, USCG, for correction of his military record is granted. His record (including Direct Access) shall be corrected to show that he was transferred to the IRR on June 26, 2006, instead of being discharged. His record shall be further corrected to show that on June 27, 2006, he extended his enlistment for the convenience of the government for a period of five months.

No other relief is granted.

