

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2022-088


BM1

FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the applicant's completed application on October 25, 2022, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated June 23, 2023, is approved and 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, a boatswain's mate first class (BM1/E-6) currently serving in the Coast Guard Reserve, asked the Board to correct his record to show that he signed a three-year reenlistment contract on June 26, 2020, with an end of enlistment (EOE) of June 26, 2023.¹ He explained that he signed a three-year reenlistment contract on that date but his servicing personnel office (SPO) has informed him that the form was lost and is not in his personnel record.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve on May 9, 2011, for a term of eight years, through May 8, 2019. According to his Member Information page, the applicant drilled in the Selected Reserve, advanced to BM1/E-6, and was discharged when his eight-year enlistment ended on May 9, 2019.²

¹ If the contract was for three years, the EOE date would have been June 25, 2023.

² If the Member Information page is erroneous and the applicant continued to drill in the SELRES without a reenlistment or extension contract from May 9, 2019, through June 25, 2020, he should submit another application with evidence of his drills performed during that period.

According to the Coast Guard's Direct Access database, on June 26, 2020, the applicant reenlisted for four years, through June 25, 2024. However, neither the applicant nor the JAG was able to produce a paper copy of the June 26, 2020, reenlistment contract.

VIEWS OF THE COAST GUARD

On March 10, 2023, a judge advocate (JAG) of the Coast Guard submitted an advisory opinion in which he recommended that the Board grant the applicant's request to recreate his reenlistment contract. However, the JAG recommended that the applicant's record be corrected to show that he signed a four-year contract and not a three-year contract.

The JAG stated that no copies of the applicant's reenlistment contract are available, but that in accordance with COMDTINST M1000.2C, a copy should have been forwarded to the Coast Guard Personnel Service Center Military Records Office for insertion in his official electronic record (EIPDR). The JAG stated that there is no copy in the applicant's EIPDR or in his field file maintained by his Servicing Personnel Office (SPO).

The JAG stated that he has had extensive communications with the applicant's SPO Chief who reached out to all involved with the applicant's reenlistment. The Chief talked to or otherwise communicated with everyone involved in applicant's reenlistment, and none of them retained a copy of the reenlistment contract.

The JAG acquiesced that the Coast Guard erred by failing to retain a copy of the applicant's reenlistment contract but argued that the error does not warrant correction of the record to reflect a three-year reenlistment. The JAG argued that applying a presumption of administrative regularity, the Board presume, that the term of enlistment entered by Coast Guard personnel in the Coast Guard's electronic pay and personnel system (Direct Access or DA) is correct, and Direct Access shows that the applicant reenlisted for four years on June 26, 2020.

The JAG noted that Coast Guard Direct Access system is a key component in the Coast Guard's personnel and pay system. He stated that it is a full-lifecycle military Human Resources (HR) and payroll solution using commercial/government off-the-shelf products from Oracle and People Soft. It is internet-accessible and web-based, providing Coast Guard-wide access. DA is the primary system for HR and payroll for Coast Guard active duty and Reserve personnel. The JAG stated that its purpose is to provide full lifecycle HR and payroll support (i.e., recruiting through death) for active duty, Reserve, and retired active duty and retired Reserve personnel. DA specifically supports recruitment and accession processes.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 17, 2023, the BCMR sent the applicant a copy of the Coast Guard's recommendation and invited him to submit a response. The Board did not receive a response.

APPLICABLE LAW AND POLICY

Chapter 1.B.3. of the Enlistments, Evaluations, and Advancements Manual, COMDT-INST M1000.2C, states that the reenlistment of a Coast Guard Selected Reserve (SELRES) member will be for periods of two, three, four, five, six, or eight years at the option of the member.

Chapter 1.C.3. of the manual states that if a Reserve member enlists or reenlists more than 24 hours after discharge, it will be effected at a Coast Guard recruiting office.

Chapter 1.F. of the manual states that a reservist may extend an enlistment contract for up to six years for various purposes, including obligating sufficient service for advancement, transfer, training, etc.

Chapter 3.C.2. of the Personnel and Pay Procedures Manual (PPPM), PSCINST M1000.2B, provides the following checklist for SPOs to follow when reenlisting a current member or extending an enlistment:

1. Ensure member meets eligibility requirements. Conduct predischarge interview approximately six months prior to expiration of enlistment and document the interview on the appropriate CG-3307. ...
2. Advise member: Their leave balance on the effective date of separation. The number of days of leave previously sold during career. ...
3. Counsel member on SRB program. ...
4. Verify U.S. citizenship. ...
5. Ensure member completes a CG-2045 Career Intentions Worksheet and forwards to SPO. ...
6. SPO forwards contract/agreement and other required documentation to unit for member's signature. ...
7. For reenlistments: Unit conducts reenlistment ceremony. ...
8. Unit returns signed contract/agreement and other documentation to SPO for input into Direct Access. ...

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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 10 U.S.C. § 1552.
2. The application is timely because it was filed within three years of the applicant's discovery of the alleged error or injustice in the record, as required by 10 U.S.C. § 1552(b).
3. The applicant alleged that his record is erroneous because it does not show that he signed a three-year Reserve reenlistment contract on June 26, 2020. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in the military record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed in-

formation is erroneous or unjust.³ Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties “correctly, lawfully, and in good faith.”⁴

4. The applicant’s record shows that he served in the Coast Guard Selected Reserve from May 9, 2011, through May 8, 2019, and signed a reenlistment contract for the SELRES on June 26, 2020. He argued that he signed a three-year reenlistment contract, but the JAG argued that an entry in the Coast Guard’s Direct Access database shows that he signed a four-year reenlistment contract. The applicant did not submit a copy of the reenlistment contract and the JAG stated that the Coast Guard does not have a paper copy.

5. The preponderance of the evidence shows that the applicant signed a four-year Reserve reenlistment contract on June 26, 2020. Although no paper copy of the contract could be produced, the Coast Guard’s personnel database indicates that he reenlisted for four years, and the applicant did not submit any documentation to show that the database is incorrect with respect to the length of the reenlistment contract. Accordingly, the applicant’s specific request should be denied but alternative relief should be granted. The Coast Guard should correct his record to show that he reenlisted for four years on June 26, 2020.

6. In addition, the Board notes that the applicant’s status from May 9, 2019, through June 25, 2020, is not clear in the record. Although his Member Information page indicates that he was discharged during that period, the record also indicates that he was reenlisted on June 26, 2020, by the SPO for his Reserve command instead of at a Recruiting Office, which would not have been authorized if he had been discharged for more than 24 hours.⁵ Therefore, as stated in footnote 2, above, if the Member Information page is erroneous and the applicant continued to drill in the SELRES without a reenlistment or extension contract from May 9, 2019, through June 25, 2020, he should submit another application with evidence of his drills performed during that period to have it covered by a reenlistment or extension contract.

(ORDER AND SIGNATURES ON NEXT PAGE)

³ 33 C.F.R. § 52.24(b); *see* Docket No. 2000-194, at 35-40 (DOT BCMR, Apr. 25, 2002, approved by the Deputy General Counsel, May 29, 2002) (rejecting the “clear and convincing” evidence standard recommended by the Coast Guard and adopting the “preponderance of the evidence” standard for all cases prior to the promulgation of the latter standard in 2003 in 33 C.F.R. § 52.24(b)).

⁴ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

⁵ COMDTINST M1000.2C, Chap. 1.C.3.

ORDER

The application of BM1 [REDACTED] [REDACTED] USCGR, for correction of his military record is denied, but alternative relief is granted. The Coast Guard shall correct his record to show that he reenlisted for four years on June 26, 2020.

In addition, if he drilled regularly in the SELRES during the period between the end of his first enlistment on May 8, 2019, and his reenlistment on June 26, 2020, he should submit another application with evidence of those drills to have the period covered by a reenlistment or extension contract, as explained in finding 6, above.

June 23, 2023

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