

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2003-127

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

FINAL DECISION

ANDREWS, Deputy Chair:

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The BCMR docketed the applicant's request for correction on August 18, 2003.

This final decision, dated April 29, 2004, is 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 asked the Board to correct his record to show that on April 29, 2003, he enlisted in the Coast Guard Reserve in pay grade E-2 (seaman apprentice (SA)), instead of E-1 (seaman recruit (SR)). He also asked to receive the back pay and allowances he would be due as a result of this correction.

The applicant alleged that his recruiter knew that he had been to college but did not request a transcript. He alleged that at the time of his enlistment, he had 58 semester credits and that regulations allow enlistment in pay grade E-2 with only 30 semester credits. Therefore, he argued, he should have been enlisted as an E-2. In support of his allegations, the applicant submitted a copy of his college transcript and Article 2.G.4.b. of the Recruiting Manual.

SUMMARY OF THE RECORD

The applicant enlisted in the Reserve as an E-1 on April 29, 2003. On his enlistment form CC 1966/2, he clearly indicated that he had attended a community

college from August 1999 to December 2001 and a university from January to December 2002. The transcript that the applicant submitted confirms these dates and shows that he earned a total of 58 semester hours of college credit.

Article 2.G.4.b.4.a. of the Coast Guard Recruiting Manual states that “[a]pplicants who have satisfactorily completed 30 semester hours or 45 quarter hours of post-secondary (college) education may be enlisted in pay grade E-2.”

VIEWS OF THE COAST GUARD

On December 11, 2003, the Judge Advocate General of the Coast Guard recommended that the Board grant the applicant’s request. He stated that the applicant was mistakenly enlisted as an E-1 because his recruiter erroneously completed a recruitment “Reservation Request” to show that he had only a high school education. The Judge Advocate General submitted with his advisory opinion an email message from the applicant’s recruiter, who admitted that he had failed to note the applicant’s college experience. The recruiter stated that it was an oversight and “was in no way done out of malicious intent to deprive [the applicant] of due benefits.”

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On December 15, 2003, the BCMR sent the applicant a copy of the views of the Coast Guard invited him to respond within 30 days. No response was received.

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 submissions, and applicable law:

1. The Board has jurisdiction over this matter pursuant to the provisions of 10 U.S.C. § 1552. The application was timely.
2. Under Article 2.G.4.b.4.a. of the Recruiting Manual, candidates for enlistment, such as the applicant, who have satisfactorily completed at least 30 semester hours of college education may be enlisted in pay grade E-2. The language of the regulation is permissive and does not require candidates with 30 semester hours to be enlisted in pay grade E-2.
3. The applicant’s transcripts show that prior to his enlistment, he earned 58 semester hours of college credit. The applicant’s recruiter has admitted to making an error by failing to take into account the applicant’s college credits. The recruiter’s statement indicates that, but for the accidental omission, the applicant would have been

enlisted as an E-2. Therefore, the Board finds that the applicant has proved by a preponderance of the evidence that his enlistment in pay grade E-1 instead of E-2 constitutes an error in his record.

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

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application of xxxxxxxxxxxxxxxxxxxx, USCGR, for correction of his military record is granted.

His record shall be corrected to show that on April 29, 2003, he enlisted in the Reserve in pay grade E-2, instead of E-1.

The Coast Guard shall pay the applicant any amount he may be due as a result of this correction.

Jordan S. Fried

J. Carter Robertson

Kathryn Sinniger