

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 1999-074

FINAL DECISION

ANDREWS, Attorney-Advisor:

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 this case on March 3, 1999, upon receipt of the applicant's completed application.

This final decision, dated December 9, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED

The applicant, a xxxxxxxxx in the Coast Guard Reserve, asked the Board to correct the active duty base date (ADBD) and original Coast Guard enlistment date shown on his Personal Data Information Form (PDIF) to November 20, 198x.

APPLICANT'S ALLEGATIONS

The applicant alleged that his active duty base date and original enlistment date should be November 20, 198x, because that is the day he first enlisted in the Coast Guard. The applicant submitted a copy of his PDIF dated October 4, 1998, which indicates that his ADBD is November 19, 198x. The space on the PDIF for the date of the applicant's original enlistment in the Coast Guard is left blank.

In support of his allegation, the applicant submitted a photocopy of an enlistment contract dated November 20, 198x, which obligated him to serve in the Reserve for two years. The enlistment contract indicates that he had served in

the Air Force from July 7, 196x, to July 6, 197x. The applicant also submitted a copy of a retirement points computation form prepared on December 21, 1994. That form indicates that he served in the Air Force from July 7, 196x, to October 22, 197x. It also indicates that he enlisted in the Coast Guard Reserve on November 20, 198x, and served continuously thereafter up to the date the form was prepared.

VIEWS OF THE COAST GUARD

On November 17, 1999, the Chief Counsel of the Coast Guard submitted an advisory opinion in which he recommended that the Board grant the applicant's request.

The Chief Counsel stated that the Coast Guard had already initiated action to correct the applicant's ADBD but that the correction would take from three to six months because part of his active duty was in a different service, the Air Force.

The Chief Counsel attached to his advisory opinion a memorandum on the case prepared by the Coast Guard Personnel Command (CGPC) dated November 10, 1999. CGPC stated that the applicant's original enlistment date in the Coast Guard was indeed November 20, 198x. CGPC indicated that action to initiate the correction via the Coast Guard Human Resources Service & Information Center had been taken but that the process might take three to six months. Therefore, CGPC recommended that relief be granted.

SUMMARY OF THE RECORD

On November 20, 198x, the applicant enlisted in the Coast Guard Reserve for a term of two years.

On December 16, 198x, the Coast Guard sent the Air Force a "Request for Statement of Service," form CG-4714, because the applicant had indicated in his enlistment documents that he had previously served in the Air Force. In response to the Coast Guard's request, the Air Force reported that the applicant had served continuously on active duty from July 7, 196x, to October 22, 197x. The Air Force also sent the Coast Guard a copy of the applicant's discharge form, DD 214. The DD 214 indicates that the applicant was discharged from the Air Force on October 22, 197x, after having performed 7 years, 3 months, and 16 days of "total active service," including 1 year and 5 days of "foreign and/or sea service."

On October 29, 198x, the applicant extended his enlistment for another two years, through November 19, 198x.

On November 20, 198x, the applicant reenlisted for two years. This enlistment was extended for one year on September 26, 198x, and for an additional three years on September 24, 198x.

Although the applicant's record does not contain a reenlistment contract covering the period from November 20, 199x, to July 23, 199x, it is clear from many other documents in his file that he continued to serve in the Reserve and earn retirement points during this time.

On July 24, 199x, the applicant was discharged and immediately reenlisted for three years.

On May 30, 199x, the applicant reenlisted for another four years, through May 29, 200x.

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 concerning this matter pursuant to section 1552 of title 10 of the United States Code. The application was timely.
2. The applicant asked the Board to correct both his ADBD and his date of original enlistment in the Coast Guard Reserve to November 20, 198x.
3. The applicant has proved by a preponderance of the evidence that his original date of enlistment in the Coast Guard Reserve is November 20, 198x.
4. Active duty base dates are supposed to reflect all periods of active duty served by members in all U.S. military forces. Because the applicant's record contains a DD 214 showing that he served in the Air Force from July 7, 196x, to October 22, 197x, it would be inaccurate to change his ADBD to November 20, 198x. The applicant's ADBD should reflect the 7 years, 3 months, and 16 days of "total active service" he performed for the Air Force.
5. The Chief Counsel stated that the Coast Guard had taken action to correct the applicant's dates administratively but that correcting the applicant's ADBD would take three to six months because a Statement of Credible Service

must be sought from the Air Force. However, the record shows that the Coast Guard already sought and received this information from the Air Force soon after the applicant joined the Reserve in 198x. The applicant's record already contains a "Request for Statement of Service" (form CG-4714) and a DD 214 from the Air Force clearly providing the legal confirmation of prior active duty service the Coast Guard now seeks.

6. Accordingly, relief should be granted.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application for correction of the military record of XXXXXXXXXXXX, USCGR, is hereby granted as follows:

The applicant's date of original enlistment in the Coast Guard Reserve shall be corrected to November 20, 198x.

The applicant's active duty base date shall be recalculated to include the 7 years, 3 months, and 16 days of active duty he performed for the Air Force from July 7, 196x, to October 22, 197x.

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