

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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2004-022**

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**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 November 10, 2003.

This final decision, dated July 27, 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 the term of an extension contract in his record dated June 10, 2002, from four months to two months. The applicant alleged that he signed the four-month contract in order to obligate sufficient service to attend AVT "A" School. However, he was sent to an earlier session of the school, one which would have required only a two-month extension.

In support of his allegations, the applicant submitted a copy of the four-month extension contract, which shows that the reason for the extension was to obligate sufficient service for a "school/training requirement." He also submitted a copy of his travel orders, which show that he was to attend AVT "A" School from September 30, 2002, to February 14, 2003, and that he was required to have 31 months of obligated service upon reporting to the school, in accordance with Article 2.A.2.a.(11) of the Coast Guard Training and Education Manual. In addition, he submitted a copy of a certificate showing that he satisfactorily completed AVT "A" School on February 14, 2003.

## **SUMMARY OF THE RECORD**

On July 31, 2001, the applicant enlisted in the Coast Guard for four years, through July 30, 2005. On June 10, 2002, he extended his enlistment for four months, through November 30, 2005, to obligate sufficient service to attend school. The applicant attended AVT "A" School from September 30, 2002, to February 14, 2003.

Figure 2-2 of the Training and Education Manual indicates that members attending "A" School for 19 weeks are required to have 31 months of obligated service after completion of the school. Article 2.A.2.a.(11) of the manual provides that "[t]his period of obligated service will commence on the date of graduation from "A" school. Applicant's [sic] not having the necessary active duty obligated service requirement for "A" school remaining on their present contract, must reenlist or sign an Agreement to Extend Enlistment to cover the required period prior to departing their unit for school."

## **VIEWS OF THE COAST GUARD**

On March 16, 2004, the Judge Advocate General of the Coast Guard submitted an advisory opinion in which he recommended that the Board grant the applicant's request. He based his recommendation on a memorandum on the case prepared by the Coast Guard Personnel Command (CGPC).

CGPC stated that under Article 2.A.2.a.(11) of the Training and Education Manual, members completing a class "A" school with a duration of 19 weeks must have a minimum of 31 months of obligated service remaining prior to reporting for school. CGPC stated that the applicant's extension contract was prepared based on a projected start date for the school, but "the applicant's class "A" school convened earlier than anticipated." Because the applicant completed "A" School on February 14, 2003, CGPC stated, he need only have obligated service through September 30, 2005. Therefore, CGPC recommended that the Board correct the term of the applicant's extension contract to two months.

## **APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On March 17, 2004, the BCMR sent the applicant a copy of the views of the Coast Guard and 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. The applicant attended AVT "A" School from September 30, 2002, to February 14, 2003. Although this period is 20 weeks long, CGPC stated that the training lasted for 19 weeks in total.<sup>1</sup> In accordance with Figure 2-2 and Article 2.A.2.a.(11) of the Training and Education Manual, members such as the applicant who attend "A" School for 19 weeks are required to have 31 months of obligated service remaining upon the date of graduation. Therefore, to attend the school, the applicant was required to have obligated service through September 14, 2005.

3. The termination date of the applicant's original enlistment contract was July 30, 2005. Therefore, to attend the school, he need only have extended his enlistment for two months, from July 31, 2005, to September 30, 2005.

4. The applicant alleged and CGPC admitted that the applicant signed the four-month extension contract based on a projected start date for the "A" School that was erroneous in that the school actually began about two months earlier than anticipated. The Board finds that the term of the extension contract is therefore in error and that the applicant is entitled to the correction he has requested.

5. Accordingly, relief should be granted.

**[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]**

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<sup>1</sup> The Board assumes that there was a one-week school holiday in December.

**ORDER**

The application of xxxxxxxxxxxxxxxxx, USCG, for correction of his military record is granted. The Coast Guard shall correct the term of his extension contract dated June 10, 2002, from four months to two months.

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Quang D. Nguyen

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Darren S. Wall

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Eric J. Young