

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2007-134

XXXXXXXXXXXX.
XXXXXXXXXX, BM3/E-4

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case on May 16, 2007, upon receipt of the applicant's completed application, and assigned it to staff members D. Hale and J. Andrews to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated January , 2008, 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 third class (BM3), asked the Board to correct his record to show that he is entitled to receive a \$10,000 selected reserve (SELRES) affiliation bonus for signing a Reserve extension contract in June 2005 prior to his release from active duty (RELAD) on August 15, 2005. He alleged that he signed the contract in June 2005 shortly after signing a Page 7¹ documenting that he was eligible for a \$10,000 SELRES affiliation bonus. However, he alleged, his unit lost the extension contract and so he never received the bonus. He stated that several months after arriving at his new duty station in August 2005, he inquired as to the status of the bonus and was told that the Coast Guard had lost his June 2005 extension contract and that he would need to sign another extension contract if he wanted an affiliation bonus. He stated that he signed another extension contract on March 31, 2006, but received only a \$7,500 affiliation bonus because a new ALCOAST had gone into effect, which had reduced the bonus amounts.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve under the delayed entry program on December 12, 2000, for a term of eight years. On January 16, 2001, he enlisted in the regular Coast Guard for three years, with an end of enlistment date of January 15, 2004. His three-year

¹ A Page 7 (CG-3307, or Administrative Remarks) entry documents any counseling that is provided to a service member as well as any other noteworthy events that occur during that member's military career.

enlistment contract obligated him to reenlist or extend his enlistment on active duty for at least one more year at the end of his three-year tour or to transfer to the SELRES for a minimum of three years upon being RELAD. On May 15, 2003, the applicant extended his enlistment for 19 months, through August 15, 2005.

On June 3, 2005, the applicant signed a Page 7 documenting that he had been counseled that he was eligible for a \$10,000 SELRES affiliation bonus, pursuant to ALCOAST 293/05, if he joined the SELRES and extended his Reserve obligation from December 12, 2008, through August 16, 2009. On August 15, 2005, another Page 7 was placed in his record to document that he had been advised that he was eligible for a \$10,000 level "1" SELRES affiliation bonus, pursuant to ALCOAST 293/05, although no extension contract had been entered in his record. The Page 7 further stated that his bonus would be based on 48 months of obligated service.

On August 16, 2005, the applicant was RELAD into the Reserve, and was assigned to a SELRES billet at a Port Security Unit (PSU). On October 17, 2005, he was involuntarily returned to active duty under Title 10, and was assigned to Guantanamo Bay, Cuba. On March 31, 2006, he signed a 12-month extension contract and received a \$7,500 SELRES affiliation bonus.² He was RELAD into the SELRES on July 4, 2006, and returned to the PSU.

VIEWS OF THE COAST GUARD

On October 1, 2007, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion in which he recommended granting relief. The JAG stated that the Coast Guard counseled the applicant in June 2005 that he was eligible to receive a \$10,000 affiliation bonus, but it never processed the required eight-month extension contract so that he could receive the bonus. The JAG recommended granting relief by voiding the applicant's March 31, 2006, extension contract and allowing him to extend his enlistment in the SELRES on August 15, 2005, for a term of eight months. The JAG stated that this would qualify the applicant for a SELRES affiliation bonus of \$10,000, in accordance with ALCOAST 293/05.

RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 4, 2007, the Chair sent the applicant a copy of the views of the Coast Guard and invited him to respond within 30 days. The applicant responded on November 2, 2007, indicating that he agreed with the JAG's recommendation.

APPLICABLE LAW

ALCOAST 293/05 was issued on June 2, 2005, and provided an affiliation bonus for RELAD personnel obligated to serve the remainder of their initial eight-year military service obligation in the ready reserve. ALCOAST 293/05 provided petty officers in critical ratings (BM, MK, OS) assigned to critical units (PSU or NCW unit), a bonus of \$2,500 for each full year of remaining military service, not to exceed \$10,000. It also allowed commands to authorize

² The applicant alleged that he signed the 12-month extension contract to replace the June 2005 extension contract that was lost by the Coast Guard.

reserve extensions of enlistment for a member to achieve one additional full year of remaining obligated service in order to become eligible for an increased bonus amount.

ALCOAST 056/06 was issued on February 1, 2006, and replaced ALCOAST 293/05. Under ALCOAST 056/06, only petty officers E-5 or above were eligible for a SELRES affiliation bonus.

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 submission, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application was timely.

2. The applicant alleged that he did not receive the \$10,000 SELRES affiliation bonus that he was promised because the Coast Guard lost his extension contract. He stated that because the Coast Guard lost the extension contract, he had to sign another extension contract several months later, but received a significantly smaller bonus because the affiliation bonus amounts had changed with the release of ALCOAST 056/06.

3. The record indicates that the applicant was counseled with a Page 7 on June 3, 2005, that he was eligible to extend his enlistment to receive a \$10,000 SELRES affiliation bonus pursuant to ALCOAST 293/05 if he obligated service in the SELRES through August 16, 2009. Although the applicant alleged that he signed an extension contract shortly thereafter, there is no such contract in the record. However, the Board finds that after being told that he was eligible for a \$10,000 SELRES bonus on June 3, 2005, the applicant likely signed an extension contract so he could qualify for the bonus. In this regard, the Board notes that upon being RELAD on August 15, 2005, the applicant's command had him sign another Page 7 stating that he was eligible for a \$10,000 bonus for his 48 months of obligated service in the SELRES. The applicant would not have had 48 months of obligated service had he not already signed an extension contract. Moreover, the JAG stated that the Coast Guard failed to process the required extension contract to qualify the applicant for the bonus. Therefore, the applicant has proved by a preponderance of the evidence that, prior to being RELAD on August 15, 2005, and while ALCOAST 293/05 was still in effect, he signed an extension contract obligating him to serve in the SELRES at least through August 15, 2009, and qualifying him for the \$10,000 bonus. He has also proved that he contract was never processed due to an administrative error.

4. Therefore, to effect relief, the Board should correct the applicant's record to show that upon his RELAD on August 15, 2005, he extended his Reserve enlistment for enough months to entitle him to the \$10,000 bonus for four full years of obligated service in the SELRES. Since his original eight-year Reserve contract would end on December 11, 2008, the applicant needed to sign at least a nine-month extension contract (extending his obligation from December 12, 2008, through September 11, 2009) to have four full years of obligated service from August 16, 2005, through August 15, 2009.

5. Accordingly, relief should be granted by removing the applicant's March 31, 2006, extension contract from his record as null and void, and correcting his record to show that he signed a nine-month Reserve extension contract on August 15, 2006, to qualify for a \$10,000 SELRES affiliation bonus pursuant to ALCOAST 293/05.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of BM3 xxxxxxxxxxxxxxxx, USCGR, for correction of his military record is granted. The Coast Guard shall remove his March 31, 2006, twelve-month extension contract from his record as null and void, and correct his record to show that he signed a nine-month Reserve extension contract on August 15, 2005, to receive a \$10,000 SELRES affiliation bonus in accordance with ALCOAST 293/05, reduced by any affiliation bonus already received.

The Coast Guard shall pay him any amount due as a result of these corrections.

Francis H. Esposito

Randall J. Kaplan

Darren S. Wall