

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

Application for Correction
of the Coast Guard Record of:

BCMR Docket No. 2007-184

**XXXXXXXXXX
XXXXXXXXXX**

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 August 15, 2007, upon receipt of the applicant's completed application, and subsequently prepared the final decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated April 10, 2008, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED

The applicant asked the Board to correct his record to show that he graduated from boot camp in pay grade E-3 (SN), rather than pay grade E-2 (SA). The applicant stated that upon his enlistment in the Coast Guard he had earned two culinary arts degrees and should not have been enlisted in pay grade E-1 (SR). He claimed that his recruiter did not provide him with accurate counseling about his eligibility for a higher pay grade based on his educational achievements. The applicant submitted transcripts from the schools in which he obtained his degrees. .

VIEWS OF THE COAST GUARD

On January 2, 2008, the Board received the views of the Coast Guard from the Judge Advocate General (JAG). The JAG adopted the comments and recommendation provided by the Commander, Coast Guard Personnel Command (CGPC).

Rather than the specific relief requested by the applicant, CGPC recommended that the applicant's record be corrected to show that he was accessed into the Coast Guard in pay grade E-3. CGPC further recommended that the applicant's record be corrected to show that he was advanced to FS3 (pay grade E-4) on November 2, 2006, and that he be awarded back pay and allowances.

CGPC noted that the applicant enlisted in the Coast Guard on May 2, 2006; completed basic training on June 23, 2006; completed FS "A" school and advanced to SNFS (pay grade E-

3) on October 13, 2006; and advanced to pay grade E-4 on April 13, 2007. CGPC also noted that the applicant had earned a total of 157.50 college credits prior to enlisting in the Coast Guard. In recommending alternative relief, CGPC stated the following:

[The] Coast Guard Recruiting Manual Article 2.B. specifies that verification of education on the DD Form 1966 [enlistment application] is a “responsibility of recruiters.” Article 2.E.6.b.6 authorizes enlistment in an advanced pay grade for members who are college students. “Applicants who . . . satisfactorily completed 30 semester hours or 45 quarter hours of post secondary . . . may enlist in pay grade E-2 . . . Applicants who have satisfactorily completed 60 semester hours or 90 quarter hours of post-secondary . . . education may enlist in pay grade E-3.”

[Coast Guard Personnel Manual] . . . Article 5.C.4. specifies that members must complete 6 months time in service as E-3 for advancement to E-4. Article 5.C.26.a authorizes commanding officers to advance E-3 members to E-4 (without reference to Commandant) who were assigned a designator upon completion of class “A” school . . .

. . . Based upon the transcripts provided by the applicant he had completed 157.50 credits which exceed the requirements for enlistment [in] pay grade E-3.

While the applicant requests that his record be corrected to show that he was advanced to E-3 upon graduation from basic training, this requested relief is not appropriate. As the record clearly indicates the applicant was eligible to enlist as an E-3 based upon his college education . . . changing his record to reflect that on May 2, 2006 he enlisted at pay grade E-3 vice E-1 is appropriate. Additionally, since the applicant’s advancement to E-4 was impacted by this error it is recommended (if the applicant does not object) that his date of rank for E-4 be adjusted from April 13, 2007 to November 2, 2006. [The Personnel Manual] prescribes that members have 6 months time in service as E-3 before . . . advancement to E-4.

APPLICANT’S RESPONSE TO THE VIEWS OF THE COAST GUARD

On January 8, 2008, the sent a copy of the view of the Coast Guard to the applicant for his agreement or disagreement. The Board did not receive a response.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the submissions of the applicant and the Coast Guard, the military record of the applicant, and applicable law.

1. The BCMR has jurisdiction of the case pursuant to section 1552 of title 10, United States Code. The application was timely.

2. The Coast Guard admitted, and the Board agrees, that applicant had the necessary college credits at the time of his initial entry into the Coast Guard to be enlisted in pay grade E-3.

He had at that time 157 college credits, and the pertinent regulation required only 60 such credits. See Article 2.E.6.b.6 of the Recruiting Manual. The JAG stated that the recruiter had the responsibility for verifying the applicant's educational achievements during the enlistment process. Apparently, the recruiter failed to do so in this applicant's case.

3. The applicant's request for advancement to pay grade E-3 upon his graduation from boot camp cannot be granted by the Board since there is no authority to grant advancement from E-2 to E-3 on the basis of graduation from recruit training. The alternative relief recommended by the Coast Guard is appropriate and cures the error and injustice suffered by the applicant by correcting his record to show that he enlisted in pay grade E-3.

4. Because the applicant was erroneously enlisted in pay grade E-1, his advancement to pay grade E-4 was delayed by five months. According to the advisory opinion, regulation required the applicant to spend 6 months in pay grade E-3 before he could be advanced to pay grade E-4. If the applicant had been enlisted in pay grade E-3, he would have met the 6-month requirement on November 2, 2006. Therefore, the JAG recommended, in the absence of an objection from the applicant, that his date of rank in pay grade E-4 be adjusted retroactively to November 2, 2006, with back pay and allowances. The Board did not receive an objection from the applicant and agrees with the recommendation.

5. Accordingly, the applicant should be granted the relief recommended by the Coast Guard.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of XXXXXXXXXXXX, USCG, for correction of his military record is granted. His record shall be corrected to show that he enlisted in the Coast Guard on May 2, 2006, in pay grade E-3. His record shall be further corrected to show that he held this pay grade until he was advanced to pay grade E-4 on November 2, 2006. The applicant shall receive any back pay and allowances he may be due as a result of this correction.

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