

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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2010-035

**XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX**

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 after receiving the applicant's completed application on November 18, 2009, and assigned it to staff member J. Andrews to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated August 26, 2010, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST

The applicant asked the Board to correct his record by voiding a 9-month extension of enlistment contract that he signed on July 12, 2007, to obligate sufficient service to attend "A" School to become an avionics electrical technician (AET). The applicant alleged that the extension contract should be voided because he voluntarily withdrew and never attended AET "A" School for personal reasons.

SUMMARY OF THE RECORD

On July 11, 2006, the applicant enlisted in the Coast Guard for 4 years, through July 10, 2010. On June 5, 2007, the Personnel Command issued orders for the applicant to transfer to an air station on July 16, 2007, to participate in the Airman Program and to attend AET "A" School for 20 weeks between November 12, 2007, and April 18, 2008. Under COMDTINST M1500.10C, to attend any 20-week "A" School, members must have at least 32 months of obligated service past their graduation date. Chapter 7.F.13. of COMDTINST M1500.10C, the Coast Guard's Performance, Training, and Education Manual, states the following:

Members are obligated to serve 24 months for the first 12 weeks of instruction, and one month for every additional week of instruction thereafter. The period of obligated service will commence on the date of graduation from course of instruction. Members who do not have the necessary active duty obligated service requirement for Class "A" school remaining on the present contract must reenlist or agree to extend enlistment to cover the required period prior to departing the unit for

school. Personnel disenrolled from course of instruction due to own request, lack of application, or misconduct will be required to fulfill the full obligated service requirement.

Since the applicant would graduate on April 18, 2008, and needed 32 months of obligated service past graduation, he had to obligate service through December 18, 2010, to accept the orders. His enlistment already ran through July 10, 2010. On July 12, 2007, he signed a 9-month extension contract, extending his enlistment from July 11, 2007, through April 10, 2011. After the applicant arrived at the air station, he signed the following statement on a CG-3307 ("Page 7") in his record:

I have been counseled that I have been disenrolled from the Airman Program with a "Fault" disenrollment on this date. This disenrollment was at my request to be voluntarily disenrolled from the Airman Program. I understand that this is a "Fault" disenrollment and that the contents of section 4.A.6.a. of the Personnel Manual states that I am "available for unrestricted world-wide assignment" upon detachment from CG AIRSTA Miami. Additionally, in accordance with section 4.C.4.b. of the Personnel Manual, I understand that because of my "Fault" disenrollment I may not apply to any "A" School until one year from date of disenrollment.

Following his disenrollment from "A" School, the applicant earned the storekeeper designation (SK3) by "striking," which is on-the-job training.

VIEWS OF THE COAST GUARD

On March 12, 2010, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny the applicant's request. In so doing, he adopted the findings and analysis of the case provided in a memorandum prepared by the Personnel Service Center (PSC).

The PSC alleged that the applicant's nine-month extension was required for him to comply with the obligated service requirements for attending a 20-week "A" School in COMDTINST M1500.10C. The PSC noted that the applicant enlisted on July 11, 2006, for four years; that he would have graduated from AET "A" School on April 18, 2008; and that the obligated service requirement for AET "A" School is 32 months. However, the PSC concluded that because the applicant "upon graduation, would have had only 23 months remaining on his contract, he was obligated to extend his enlistment by 9 months."¹

The PSC noted that under Chapter 7.F.13. of COMDTINST M1500.10C, the applicant was required to complete his full "A" School obligated service requirement when he voluntarily disenrolled from the program. Therefore, the PSC concluded, the applicant's 9-month extension should remain in effect.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On March 15, 2010, the Chair sent the applicant a copy of the views of the Coast Guard and invited him to submit a response within 30 days. No response was received.

¹ However, the period between the applicant's expected graduation date, April 18, 2008, and the end of his original enlistment, July 10, 2010, is not 23 months but 27 months.

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 asked the Board to void an extension contract that he signed on July 12, 2007, to accept orders to join the Airman Program and attend AET "A" School. He alleged that it is unjust for the extension to remain in his record because he never attended AET "A" School for personal reasons. The Board begins its analysis in every case by presuming that the disputed information in the applicant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.²

3. The applicant's "A" School orders show that his expected graduation date was April 18, 2008. Under Chapter 7.F.13. of COMDTINST M1500.10C, he had to have at least 32 months of obligated service past that date to accept his orders. Adding 32 months to April 18, 2008, brings one to December 18, 2010. The applicant's original enlistment ran through July 10, 2010. Thus, he needed only 6 months of newly obligated service, extending his enlistment from July 11, 2010, through January 10, 2011, to accept the orders.³ Therefore, the Board finds that the applicant was erroneously advised to sign a 9-month extension contract on July 12, 2007, because he needed only a 6-month extension to accept his orders.

4. The applicant asked the Board to void the extension contract altogether. However, the extension already went into effect on July 11, 2010. Moreover, under Chapter 7.F.13. of COMDTINST M1500.10C, the applicant is required to complete the period of service he obligated under the extension contract even though he did not finish the Airman Program and did not attend AET "A" School.

5. Accordingly, because the term of the extension is erroneous, it should be corrected to reflect an obligation of just 6 months—i.e., to January 10, 2011—but the contract should not be voided.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

² 33 C.F.R. § 52.24(b).

³ Under Chapter 1.G.15. of the Personnel Manual, extension contracts may be written only in whole-month increments.

ORDER

The application of SK3 xxxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is granted in part as follows:

The Coast Guard shall correct the term of his July 12, 2007, extension contract to show that he extended his enlistment for just 6 months.

Donna M. Bivona

Bruce D. Burkley

James E. McLeod