

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

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 1998-008

FINAL DECISION ON RECONSIDERATION

ANDREWS, Attorney-Advisor:

This is an action for reconsideration. The original proceeding in this case, BCMR Docket No. 1991-213, was conducted according to the provisions of section 1552 of title 10, United States Code. A final decision in the original proceeding was issued by the Board on December 13, 1991.

This reconsideration proceeding has been conducted under the provisions of 33 CFR 52.67 (stating rules for reconsideration).

This final decision on reconsideration, dated August 27, 1998, is signed by the three duly appointed members who were designated to serve as the Board in this case.

RELIEF REQUESTED

In his original application, filed on March 20, 1991, the applicant, a xxxxxxxxxx in the United States Coast Guard, asked the Board to correct his military record to show that he had extended his enlistment or reenlisted in February 1982 for a period of 6 years, so that he could receive a Selective Reenlistment Bonus (SRB) with a multiple of three pursuant to ALDIST 340/81 and ALDIST 004/82.

In his application for reconsideration, received June 3, 1997, the applicant, now retired from the Coast Guard, requested the same relief, alleging that the Board had made a legal error. Despite the untimeliness of the request, made more than five years after the final decision was issued, the Chairman of the BCMR accepted and docketed the application on October 29, 1997, after further correspondence with the applicant and a cursory review of the case indicated that the applicant might prevail.

APPLICANT'S ALLEGATIONS

In his original application to the BCMR, the applicant alleged that, in 1981 and 1982, he was never counseled about two instructions, ALDIST 340/81 and ALDIST 004/82, which allowed Coast Guard members in his rating to receive SRBs with a multiple of three if they reenlisted or extended the terms of their enlistments for more than three years. He alleged that the Coast Guard was required to inform him of those opportunities. He stated that, if he had been informed in January or February 1982 of the opportunity to receive an SRB, he would have reenlisted or extended his enlistment for the maximum six more years, as evidenced by his continued active duty in the Coast Guard. He explained that he had first learned of ALDIST 340/81 and ALDIST 004/82 from fellow xx petty officers and chiefs who attended a "C" school with him in February 1991 and that, therefore, his original application had been filed within three years of when he discovered the injustice and should not have been denied due to untimeliness.

Since his application for reconsideration was filed, the applicant has sent letters to the BCMR and the Commander of the Military Personnel Command alleging that the Board committed legal error in denying his request. The applicant argued that the decision in Allen v. Card, 799 F. Supp. 158 (D.C.C. 1992), issued soon after the Board's denial of his application, required the BCMR to conduct at least a cursory review of the merits of his case before denying the application based on untimeliness. He also argued that, based on the decision of the Deputy General Counsel in Docket No. 121-93, the relief he requested should be granted. He explained the delay in his application for reconsideration by stating that he could not be expected to know that the Board had made a legal error. The Allen case and the final decision in BCMR Docket No. 121-93 were not decided until after the applicant's request was denied.

HISTORY OF PROCEEDINGS

The applicant filed his initial application for relief on March 20, 1991, within three years of his alleged discovery of the error but nine years after the alleged error. The Board denied the applicant's request for relief on December 13, 1991, "under the equitable defense of laches, as well as under the statute of limitations." The Board stated that "[i]n this case, the applicant's delay in filing an application is so great that he has a very high burden of demonstrating lack of prejudice to the Coast Guard. . . . The applicant has not met that burden. . . . Finally, the applicant has not demonstrated a lack of prejudice to the Coast Guard by his applying for an SRB nine years after the issuance of ALDIST 004/82."

On June 3, 1997, the applicant filed an application for reconsideration. On June 9, 1997, the Chairman sent the applicant a letter advising him that, under 33 CFR 52.67(e), applications for reconsideration "must be filed within two years after the issuance of a final decision, except as otherwise required by law."

On September 5, 1997, the applicant sent a letter protesting the Chairman's refusal to docket his application for reconsideration. He argued that the Allen decision, issued soon after the Board denied his original application, required the Board to conduct at least a cursory review of the merits before denying his case due to untimeliness. He also stated that others in his position had been granted relief by the Board in earlier decisions. In a December 30, 1997, letter to the Coast Guard Military Personnel Command, he stated that he had been told that the law regarding the statute of limitations had changed since his request was denied. In light of the applicant's arguments concerning potential legal error,¹ on October 29, 1997, the Chairman sent the applicant a letter informing him that his application for reconsideration would be docketed and considered by the Board.

SUMMARY OF RECORD

The applicant enlisted in the Coast Guard Reserve on December 30, 197x, for a term of six years. On July 24, 197x, his enlistment was terminated so that he could enlist in the regular Coast Guard for a period of four years. According to the applicant's military record, he reenlisted on May 1, 1981, for a period of six years, obligating him to serve through April 30, 1987, and he received a Zone A SRB as a result.² His rating and pay grade at the time of the ALDISTs discussed herein were issued were xxx and E-5.

On October 1, 1981, the Commandant of the Coast Guard issued ALDIST 340/81, which allowed members within 30 days of the end of their enlistment periods to receive an SRB if they reenlisted or extended their current enlistments for at least three years. The SRBs provided for xxxs who extended their enlistments or reenlisted under ALDIST 340/81 were calculated with a multiple of three. On January 12, 1982, ALDIST 004/82 temporarily locked in the multiples issued under ALDIST 340/81 and waived the requirement that members be within 30 days of the end of their enlistment periods in order to be eligible to receive the SRB for extending their enlistments. To take advantage of ALDIST 004/82, members had to extend their enlistments before February 15, 1982.

The applicant did not extend his enlistment or reenlist during the month when ALDIST 004/82 was in effect. There is nothing in his military record to indicate that he was ever counseled about the terms of ALDIST 340/81 or ALDIST 004/82.

¹ See summary of BCMR regulations concerning evidence of legal error and requests for reconsideration on page 5 below.

² SRBs vary according to the length of each member's active duty service, the length of the period of reenlistment or extension of enlistment, and the need of the Coast Guard for personnel with the member's particular skills. Coast Guard members who have more than 21 months but less than 6 years of active duty service are in "Zone A," while those who have more than 6 but less than 10 years of active duty service are in "Zone B." Members may not receive more than one bonus per zone.

The applicant remained on active duty with the Coast Guard until he retired on August 1, 1997. Subsequent to his six-year reenlistment on May 1, 1981, the applicant's military record shows that he either reenlisted or agreed to extend his enlistment on the following dates for the periods indicated:

| | |
|----------------------------|-----------|
| December 5, 1986 | 10 months |
| January 29, 1988 | 1 year |
| May 1, 1989 | 1 year |
| March 7, 1990 | 1 year |
| March 12, 1991 | 1 year |
| April 1, 1992 | 3 years |
| April 1, 1995 | 4 months |
| June 28, 1995 | 3 years |

A Certificate of Release or Discharge from Active Duty in the applicant's military record lists his extensions dated December 5, 1986, January 29, 1988, May 1, 1989, March 7, 1990, and March 12, 1991,³ and states that all "were at the request of and for the convenience of the [government]."

IEWS OF THE COAST GUARD

On March 16, 1998, the Chief Counsel of the Coast Guard recommended denial of the applicant's request for relief.

The Chief Counsel recommended that the Board deny the applicant's request for reconsideration on the basis of untimeliness on the ground that the request was filed more than two years after the final decision was issued. Under 33 CFR 52.67(e), an application for reconsideration must be filed within two years of the date of the final decision.

In the event that the Board finds it is in the interest of justice to waive the two-year statute of limitations for reconsiderations, the Chief Counsel urged the Board to deny relief for lack of proof that (1) the Coast Guard owed him a duty to counsel him regarding his eligibility for an SRB under ALDIST 004/82, (2) the Coast Guard did not so counsel him, and (3) had he been so counseled, the applicant would have been willing, in 1982, to extend his service from 1987 through 1993. Regarding these issues, the Chief Counsel argued first that, under ALDIST 004/82, the Coast Guard had no duty to inform potential extendees of their eligibility. COMDTINST 7220.13E required the Coast Guard to inform only potential reenlistees, and the applicant was not a potential reenlistee in February 1982 because he was not within three months of the end of his existing enlistment.

³ The applicant's 1991 agreement to extend was signed on February 1, 1991. There is no agreement to extend dated March 12, 1991, in his record.

Even if the Board were to find that the Coast Guard had a duty to counsel the applicant, the Chief Counsel argued that a lack of memory of counseling is particularly unreliable after so many years, and the applicant's statement about his lack of memory of counseling should be "insufficient to overcome the strong presumption that military officials carried out their duties correctly, lawfully, and in good faith." Moreover, even if the Board were to find that the Coast Guard had failed to counsel the applicant, it could not presume, based on the member's word and subsequent years of service, that the applicant would have, in fact, chosen to obligate himself to serve through 1993. The Chief Counsel cited the applicant's series of short-term extensions of his enlistment in the late 1980s and early 1990s and his retirement after only 20 years of service⁴ as evidence that the applicant had not committed himself to a career in the Coast Guard.

Finally, the Chief Counsel argued that, even if the Board found that the Coast Guard had erred and that the applicant would have extended his service if he had been counseled, the Board should still deny relief because violations of agency procedural regulations do not create private rights of action⁵ and because Congress intended the SRB program to reward members who obligated themselves to future service, and the applicant had not done so in 1982.

APPLICABLE LAW

Reconsideration

33 CFR 52.67(a)(2) provides that the Board shall reconsider an application if an applicant requests it and the applicant "presents evidence or information that the Board, or the Secretary as the case may be, committed legal or factual error in the original determination that could have resulted in a determination other than that originally made." Section 52.67(b) provides that the Board shall docket a request for consideration if it meets the requirements of Section 52.56(a)(2).

33 CFR 52.67(e) provides that "[a]n applicant's request for reconsideration must be filed within two years after the issuance of a final decision, except as otherwise required by law. If the Chairman docketed an applicant's request for reconsideration, the two-year requirement may be waived if the Board finds that it would be in the interest of justice to consider the request despite its untimeliness."

Decision in Allen v. Card, 799 F. Supp. 158 (D.C.C. 1992), (cited by the applicant).

⁴ Members with the applicant's final pay grade xxxxx do not attain high year tenure until they have completed 26 years of service.

⁵ The Coast Guard cited United States v. Caceres, 440 U.S. 741 (1979), and Cort v. Ash, 422 U.S. 66, 78 (1975), for this proposition.

In Allen, the court held that, because 10 USC § 1552(b) and 33 CFR 52.22 permit the BCMR to waive the statute of limitations if it is “in the interest of justice” to do so, the BCMR must, in deciding whether it would be in the interest of justice to waive the statute of limitations, “analyze both the reasons for the delay and the potential merits of the claim based on a cursory review.” Allen, at 164. The court also held that the Board could not deny relief based on the doctrine of laches without evidence that the defendant had actually been prejudiced by the plaintiff’s delay. “The government bears the burden of proving its affirmative defense of laches; therefore, it must prove not only delay, but also prejudice to the government.” Id. at 165.

SRB Regulations

Commandant Instruction 7220.13E (Administration of the Reenlistment Bonus Program) was released on May 4, 1979, and was in effect when ALDIST 340/81 and ALDIST 004/82 were distributed. Section 1-c-(4) of the Instruction stated that “[e]ntitlement to an SRB vests only on the date the member reenlists or makes operative an extension of enlistment” Section 1-c-(6) of the Instruction stated that early separation could only occur “within three months of [the end of] activated obligated service, in accordance with Article 12-B-7 [of the] Personnel Manual” Section 1-d-(2) of the Instruction provided the criteria for SRB eligibility in Zone B. It stated the following, in part:

(2) Zone B Eligibility. [To be eligible, a member must meet all of the following criteria:]

- (a) Be serving on active duty in pay grade E-3 or higher in a military specialty designated [in the SRB announcement].
- (b) Must have completed more than six but not more than ten years of active duty immediately preceding the date of reenlistment or operative date of extension of enlistment.
- (c) The extension of enlistment or reenlistment must be at least THREE YEARS in length and, when combined with prior active duty, will total at least ten years of total active duty. [Emphasis in original]
- (d) Has not previously received a Zone B SRB, nor previously enlisted or reenlisted beyond ten years of active duty. . . .

Section 1-g of the Instruction stated that in order to “attain the objectives of the SRB program, each potential reenlistee who would be eligible for SRB must be informed of their eligibility and the monetary benefits of the SRB program. It is expected that the

reenlistment interview, held approximately six months before expiration of enlistment, will provide the potential reenlistee with complete information on SRB.”

Early Separation of Enlisted Personnel

Article 12-B-7 of the Coast Guard Personnel Manual (COMDTINST M1000.6A) allows a member to be separated up to 3 months before the end of the term of his or her enlistment if the early separation is “in the best interest of the Government.” It specifically authorizes commanding officers to make use of this provision “when a member requests, in writing, discharge for the purpose of immediate reenlistment”

ALDIST 340/81

ALDIST 340/81, issued on October 2, 1981, changed the existing multiples of the SRBs members could receive to reflect the degree to which the Coast Guard needed to retain personnel in each skill rating. The multiple to be used for calculating SRBs for reenlisting or extending members in the xx rating was three.

ALDIST 004/82

ALDIST 004/82, issued on January 12, 1982, locked in the multiples used for calculating SRBs under ALDIST 340/81 until February 15, 1982. Thereafter, the multiples were to change to reflect the degree to which the Coast Guard needed to retain personnel in each skill rating. ALDIST 004/82 also suspended the provisions of Article 1-G-83 of the Personnel Manual (Cancellation of Agreement to Extend) until February 15, 1982, and therefore allowed members to extend enlistments that were not within 30 days of termination.

Article 1-G-83 of the Coast Guard Personnel Manual (COMDTINST M1000.6A) stated the following, in part:

(b) Generally, an individual should not be permitted to agree to extend his/her enlistment until approximately 30 days prior to the date of expiration of the then existing enlistment. For certain purposes, however, such as qualifying for assignment to a service school, duty outside CONUS, assignment to active duty in the case of a Reservist, or for other duty requiring additional obligated service, it is permissible to permit an individual to agree to extend his/her enlistment a considerable time in advance.

Precedent Decision in BCMR Docket No. 121-93 (cited by the applicant).

In BCMR Docket No. 121-93, the applicant asked the Board to reconsider its denial of his request (in the final decision in BCMR Docket No. 237-91) to correct his

military record to show that he had extended his service on February 14, 1982, and was therefore due an SRB. The applicant had learned about ALDIST 004/82 in 1991, and he cited four previous BCMR decisions in which the Board had granted this relief to members in similar circumstances. The Board again denied the requested relief, however, because of the lateness of the original filing and because the applicant had not met the “very high burden of demonstrating lack of prejudice to the Coast Guard.” (As the applicant’s request for reconsideration was filed within two years of the Board’s final decision, its timeliness was not at issue.) Thereafter, the Deputy General Counsel granted relief, finding in part that

1. the application was timely because it was submitted within three years of the applicant’s discovery of the error;

2. because the Coast Guard had presented no evidence as to how the applicant could or should have learned of ALDIST 004/82 any earlier than he claimed, the applicant’s sworn statement that he learned of it in 1991 would be accepted at face value, especially since “[a]llegations that the first knowledge members have had of the provisions of ALDIST 004/82 came from contact with [the ‘C’ school] are common, and have often been accepted without challenge in the past”;⁶

3. “Coast Guard regulations require that members be ‘fully advised’ of SRB opportunities”;⁷

4. the financial hardship borne upon the Coast Guard by such late claims would not justify use of the doctrine of laches because “virtually any party resisting a claim on the basis of laches can argue that having to pay sums due would create an unexpected financial hardship”; and

5. the Board had “commonly afforded relief under similar circumstances in the past, and . . . reversal of such precedents without a firm basis in the record would be clearly unreasonable here.”

The Deputy General Counsel’s decision in this case did not address the Coast Guard’s claim that the doctrine of laches should apply because “personnel transfers, retirements, etc., and the passage of time” had left the Coast Guard unable to determine the actual facts about SRB counseling in Applicant’s case.”

Precedent Decisions in BCMR Docket No. 69-97

In BCMR Docket No. 69-97, the applicant had reenlisted on May 2, 1980, for a six-year term, after completing his first, four-year enlistment. Subsequently, the applicant extended his enlistment three times for periods of two years or less before reenlisting for three years on March 1, 1991, and for another six years on January 6, 1994. The applicant asked the BCMR to correct his record to show that he had requested an extension of his enlistment for a period of six years on February 14, 1982, in order to

⁶ The Deputy General Counsel cited BCMR Docket No. 151-91.

⁷ The Deputy General Counsel cited BCMR Nos. 224-87, 263-87, 268-87, 285-87 for this position.

receive a Zone B SRB. He stated that he had learned about ALDIST 004/82 on January 23, 1997, and that, if he had been properly counseled and made aware of the provisions of ALDIST 004/82, he “would have taken the necessary steps to secure [a] zone ‘B’ bonus” under the ALDIST. There was no documentation in the applicant’s record to indicate that he was ever advised of the provisions of ALDIST 004/82 while it was in effect.

The Board granted the requested relief based on (1) the applicant’s sworn statement that he had not been properly counseled about ALDIST 004/82 when it was in effect and had not learned of it until 1997; (2) the applicant’s statement that he would have extended his enlistment to receive the SRB had he known of the opportunity; (3) the applicant’s previous enlistments and subsequent years of service, which provided a reasonable basis to believe that he would have extended his service obligation had he been properly counseled about ALDIST 004/82; (4) the Deputy General Counsel’s decision in BCMR Docket No. 121-93 (see above), which found that the doctrine of laches did not apply to a claim based on ALDIST 004/82 which was valid but for the fact that it did not meet the statute of limitations; and (5) the Coast Guard’s long-term refusal (despite many such claims) to reveal if and how information about ALDIST 004/82 had been disseminated to the members:

The Board has been reviewing ALDIST 004/82 cases for close to 15 years. In that time, the Coast Guard has provided no evidence to show how information regarding SRB eligibility is disseminated to Coast Guard members, what efforts were taken to inform members of their rights under ALDIST 004/82, or how some individuals learned of their SRB eligibility under ALDIST 004/82, while others did not.

Given the number of cases that have been before the Board on this exact issue, it seems that by now the Coast Guard would have been able to compile some evidence to refute the SRB claims of BCMR applicants. Since they have not, and since the Board has commonly afforded relief to applicants whose SRB eligibility has been established, we find no basis on which to rule differently in this case. . . .

The Deputy General Counsel wrote a concurring decision which responded to several of the Coast Guard’s arguments that were not mentioned in the Board’s decision but are pertinent to the case in hand:

1. In response to the argument that the Coast Guard was only required to counsel potential reenlistees, not potential extendees, she found that Congress had intended both groups to benefit from the SRB program and that the Coast Guard had presented no rational basis for counseling one group but not the other.

2. In response to the argument that the applicant's statements were insufficient to overcome the presumption of regularity in administrative matters such as counseling, she stated that the applicant's history of service and his statements concerning the lack of proper counseling and what he would have done had he been properly counseled were sufficient to nullify the presumption in this case.

3. The Deputy General Counsel found unpersuasive the argument that the applicant's subsequent, short extensions show that he was not, in fact, committed to a career in the Coast Guard, because short extensions for particular purposes, such as enrollment in school or transfer to a different station, are made frequently for the convenience of the government and do not necessarily reflect a member's commitment to the Service.

4. In response to the Coast Guard's claim that the applicant had no private right of action under its regulations, she found that Congress had created a private right of action in the SRB statute (37 USC § 308) and the BCMR statute (10 USC § 1552).

5. In response to the argument that paying SRBs many years after ALDIST was inconsistent with the purpose of the statute, which was to benefit the Coast Guard, she cited the decision in Larinoff, which held that "[t]he intention of Congress in enacting the [reenlistment bonus statute] was specifically to promise to those who extended their enlistments that a [reenlistment bonus] award would be paid to them at the expiration of their original enlistment in return for their commitment to lengthen their period of service." United States v. Larinoff, 431 U.S. 864, 878-79 (1997).

6. As to the doctrine of laches, the Deputy General Counsel held that, absent proof that the Coast Guard informed the applicant about his eligibility under ALDIST 004/82 and absent proof that the applicant learned of his eligibility more than three years prior to the date he filed his application, she could not find that he had inexcusably delayed informing the Coast Guard of his claim, which is the first requirement for applying the doctrine. As to the second requirement—that the defendant must be substantially prejudiced by the delay—the Deputy General Counsel found that the Coast Guard had just speculated on its inability to find the applicant's commanding officer and, if it could find him, the officer's inability to remember his communications regarding ALDIST 004/82 in 1982. Furthermore, she stated, the mere passage of time does not give rise to a presumption of prejudice, so the Coast Guard must demonstrate actual prejudice.⁸

7. Finally, the Deputy General Counsel cited several "Comptroller General cases that authorize government agencies to correct errors of wrongful advice or failure

⁸ The Deputy General Counsel cited Hoover v. Dep't of Navy, 957 F.2d 861 (Fed. Cir. 1992), for this position.

to advise when an employee otherwise meets the statutory criteria for obtaining a benefit.”⁹

⁹ The Deputy General Counsel cited Matter of Hanley, B-202112, November 16, 1981; Matter of Anthony M. Ragunas, 68 Comp. Gen. 97 (1988); and Matter of Dale Ziegler and Joseph Rebo, B-199774, November 12, 1980.

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, United States Code.

2. The application for reconsideration was not timely. However, in light of the decisions in Allen v. Card, 799 F. Supp. 158 (D.C.C. 1992), and BCMR Docket Nos. 121-93 and 69-97, which were issued after the Board's original decision in this case, it is in the interest of justice for the Board to waive the statute of limitations in this instance.

3. The applicant requested an oral hearing before the Board. The Chairman, acting pursuant to 33 CFR 52.31, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation.

4. As determined by the Deputy General Counsel in her concurrence to the final decision in BCMR Docket No. 69-97, the applicant has a private right of action under the SRB statute (37 USC § 308) and the BCMR statute (10 USC § 1552) to seek relief from the Coast Guard's error.

5. The applicant made a sworn statement on his DD Form 149 that he had not been counseled on the provisions of ALDIST 340/81 and ALDIST 004/82.¹⁰ He asserted that, if he had been aware of his eligibility for an SRB, he would have reenlisted or extended his enlistment for six years to take advantage of the opportunity to receive a Zone B SRB calculated with a multiple of three.

6. The applicant was not eligible for an SRB under ALDIST 340/81. Under ALDIST 004/82, however, he was eligible to extend his enlistment for up to six years, from the end of his then-current enlistment in 1987 to 1993.

7. In BCMR Docket Nos. 121-93 and 69-97, the Deputy General Counsel has held that Coast Guard regulations require that members be "fully advised" about SRB opportunities, whether they are potential reenlistees or potential extendees.

8. The Coast Guard has made no statement and submitted no evidence to rebut the applicant's claim that he was not informed about ALDIST 004/82. With no

¹⁰ The BCMR application, DD Form 149, contains a warning for applicants regarding the penalties for willfully making a false statement or claim, pursuant to 18 USC §§ 287 and 1001. The Board therefore accepts as true the applicant's statement that he did not discover his eligibility under ALDIST 004/82 until 1991.

contrary evidence and a sworn statement by the applicant, the Board accepts as true the applicant's statement that he was not properly counseled about his eligibility for an SRB under ALDIST 004/82.

9. The applicant's series of short-term extensions subsequent to the expiration of his second, six-year enlistment does not necessarily reflect a lack of commitment to continue to serve in the Coast Guard. The Board finds that the statement in the applicant's military record that the short extensions were all "at the request of and for the convenience of the [government]" fully rebuts the Coast Guard's argument. The applicant's decision in 1981, after completing a four-year enlistment, to reenlist for a six-year period reflects an early intention to have a career serving in the Coast Guard. This apparent intention, in combination with the applicant's statement that he would have extended his enlistment if he had been informed of his eligibility and with the applicant's subsequent long years of service, persuades the Board that the applicant would have extended his enlistment by six years if he had been properly counseled about ALDIST 004/82.

10. The Coast Guard erred in 1982 by failing to counsel the applicant of his eligibility to receive an SRB by extending his enlistment.

11. Accordingly, the applicant's record should be corrected to show that, on February 14, 1982, he extended his enlistment for another six years and thereby became entitled to receive a Zone B SRB with a multiple of three.

[ORDER AND SIGNATURES ON FOLLOWING PAGE]

ORDER

The application for correction of the military record of XXXXXXXXXX, shall be granted as follows: The military record shall be corrected to indicate that the applicant agreed to extend his enlistment for six years on February 14, 1982, and he thus became entitled to receive a Zone B Selective Reenlistment Bonus with a multiple of three. The applicant's extensions and reenlistments dated December 5, 1986, January 29, 1988, May 1, 1989, March 7, 1990, February 1, 1991, and April 1, 1992, will be canceled. These shall be null and void and shall have no effect on his SRB entitlement. The applicant's record will be corrected to show that, at the end of the six-year extension of his enlistment, on May 1, 1993, the applicant reenlisted for two years. All other extensions and reenlistments shall remain as they now appear in the record, with no break in service shown.

The Coast Guard shall pay the applicant the amount due him as a result of these corrections to his record.

Walter K. Myers

Michael K. Nolan

L. L. Sutter