

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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 1999-056  
Technical Amendment**

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**AMENDMENT TO FINAL DECISION**

**ANDREWS, Attorney-Advisor:**

This is a proceeding conducted under 33 C.F.R. § 52.73 at the request of the Chief of the Office of Military Justice of the Coast Guard to consider a technical amendment to the order issued by the Board in Docket No. 1999-056.

This amendment, dated March 9, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

**HISTORY OF BCMR DOCKET NO. 1999-056**

In Docket No. 1999-056, the applicant asked the Board to correct her military record by canceling two extension contracts she signed as a xxxxxx on September 30, 1998, and December 18, 1998, and instead show that she extended her enlistment for four years on December 24, 1998. The correction entitled her to receive a Selective Reenlistment Bonus (SRB) pursuant to ALDIST 290/98.

In December 1998, the applicant was a xxxxx finishing xxxxxxxx "A" School, and she needed to extend her enlistment in order to accept permanent change of station (PCS) orders upon graduation. At that time, an SRB with a multiple of three was in effect for members in the xx rating under ALDIST 290/98. The applicant alleged that, because the Coast Guard failed to advise her regarding the SRB opportunity, she signed an extension contract six days before she was promoted into the xx rating. She alleged that, if she had been properly counseled, she would have waited the six days until she graduated from xx "A" School before extending her enlistment to qualify for the SRB.

The Chief Counsel recommended that the Board grant the applicant relief because she "should have been counseled by staff at xx 'A' School to wait until 24

December 1998, the date of her impending advancement to xx/E-4, to enter into an extension agreement." The Board granted relief, finding that the Coast Guard had erred by not informing the applicant that she would be eligible for an SRB if she waited six days, until her graduation from xx "A" School, before signing an extension contract to obligate service for her PCS orders.

## CHIEF COUNSEL'S REQUEST

On February 24, 2000, the Chief of the Office of Military Justice submitted a Request for Technical Correction. He asked that the Board's order be changed to show that, instead of extending her enlistment for four years on December 24, 1998, the applicant reenlisted for six years on that date. He submitted with his request a copy of an email message from the applicant requesting the change.<sup>1</sup> He stated that, if the applicant had requested this correction initially, the Coast Guard "would have favorably endorsed this request."

## FINDINGS AND CONCLUSIONS

1. The Board has jurisdiction over this matter pursuant to 33 C.F.R. § 52.73.
2. The Chief Counsel asked the Board to amend its order in BCMR Docket No. 1999-056 to reenlist the applicant for six years on December 24, 1998, instead of extending her enlistment for four years, as she originally requested. The applicant concurred in the request.
3. The applicant was eligible to be reenlisted on December 24, 1998, for six years to receive an SRB under ALDIST 290/98. It is not apparent in the record why the applicant did not request this correction in her original application, as it was clearly to her advantage to do so. However, it is apparent that she did not receive thorough SRB counseling, as required by COMDTINST 7220.33.
4. Accordingly, the Board's order in BCMR Docket No. 1999-056 should be amended as requested by the Coast Guard and the applicant.

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

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<sup>1</sup> In addition, BCMR staff members previously discussed this request over the telephone with the applicant and her PERSRU (the unit's administrative yeoman).

## AMENDED ORDER

The Board's order correcting the military record of XXXXX, USCG, is hereby amended to read as follows:

Her record shall be corrected to show that on December 24, 1998, she reenlisted for six years for the purpose of receiving an SRB with a multiple of three under ALDIST 290/98.

The extension contracts signed by the applicant on September 30, 1998, and December 18, 1998, shall be null and void.

The Coast Guard shall pay the applicant the amount due her as a result of this correction.

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James K. Augustine

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Jay R. Gordon

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Julia A. Rhodes

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

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 1999-056**

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**FINAL DECISION**

**ANDREWS, Attorney-Advisor:**

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. It was docketed on February 3, 1999, upon the BCMR's receipt of the applicant's completed application for correction.

This final decision, dated September 23, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

**RELIEF REQUESTED**

The applicant, a xxxxxxxxxxxxxx on active duty in the Coast Guard, asked the Board to correct her military record by canceling two extension contracts she signed as a seaman on September 30, 1998, and December 18, 1998, and instead show that she extended her enlistment for four years on December 24, 1998, after she had been promoted to xxx. The correction would entitle her to receive a Selective Reenlistment Bonus (SRB) pursuant to ALDIST 290/98.

**APPLICANT'S ALLEGATIONS**

The applicant alleged that in December 1998, she needed to extend her enlistment in order to accept permanent change of station (PCS) orders. At that time, an SRB with a multiple of three was in effect for members in the xx rating under ALDIST 290/98. The applicant was completing xx "A" School and due to be promoted from seaman to xx on December 24, 1998. She alleged that the Coast Guard failed to advise her regarding the SRB opportunity. She alleged that, if she had been properly counseled, she would have waited the six days until she graduated from xx "A" School before extending her enlistment to qualify for the SRB. The applicant alleged that she

did not learn about the SRB opportunity under ALDIST 290/98 until she reported to her new duty station in January 1999.

### **SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on September 26, 1994, for a term of four years. On June 26, 1998, she extended her enlistment for two years, through September 25, 2000. On September 30, 1998, the applicant extended her enlistment for 15 months to meet her "school/training service requirement."

On November 23, 1998, the applicant received orders to transfer overseas.

On November 24, 1998, the Coast Guard issued ALDIST 290/98. Under the ALDIST, members in the xx rating who reenlisted or extended their enlistments after November 25, 1998, received an SRB with a multiple of three. Seamen were not eligible for an SRB under the ALDIST.

On December 18, 1998, the applicant extended her enlistment for 15 months to provide sufficient obligated service for her transfer overseas. The extension contract indicates that as a seaman, the applicant was ineligible for an SRB. On December 24, 1998, the applicant graduated from xx "A" School and was promoted to xx, thereby becoming eligible for an SRB under ALDIST 290/98. On January 11, 1999, the applicant began her overseas tour of duty.

### **VIEWS OF THE COAST GUARD**

On September 10, 1999, the Chief Counsel of the Coast Guard recommended that the Board grant the applicant's request.

The Chief Counsel stated that the applicant should be granted relief because she "should have been counseled by staff at xx 'A' School to wait until 24 December 1998, the date of her impending advancement to xx/E-4, to enter into an extension agreement." Furthermore, the Chief Counsel argued, the applicant took prompt and appropriate action to rectify the error after she discovered it, and she is willing to commit herself to four more years of service in consideration for the SRB.

### **APPLICABLE REGULATIONS**

Section 2 of Commandant Instruction 7220.33 (Reenlistment Bonus Programs Administration) provides that "[a]ll personnel with 14 years or less active service who reenlist or extend for any period, however brief, shall be counseled on the SRB program. They shall sign a page 7 service record entry, enclosure (3), outlining the effect that particular action has on their SRB entitlement."

Section 3.d.6. of the instruction states the following:

Extensions previously executed by members may be canceled prior to their operative date for the purpose of executing a longer extension or reenlistment in accordance with article 1-G-36 of [the Personnel Manual]. Members should be informed that their SRB entitlement will be based only on newly acquired obligated service. For example, a member cancels a 3-year extension to reenlist for 6 years, the member will only be paid SRB entitlement for the additional 3 years of service. An exception to this rule is made for extensions of 2 years or less, or multiple extensions (each of which is 2 years or less in length), required of a member for transfer, training, advancement, or tuition assistance. These extensions may be canceled prior to their operative date for the purpose of immediate reenlistment or longer extension without any loss of SRB entitlement.

ALDIST 290/98, issued on November 24, 1998, established SRBs for personnel in certain skill ratings who reenlisted or extended their enlistments after November 25, 1998. The multiple to be used for calculating SRBs for members in the xx rating was three. No SRB was available for seamen.

## 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. The application was timely.

2. The applicant alleged that she was not properly counseled about her eligibility for an SRB under ALDIST 290/98. She alleged that the Coast Guard had a duty to counsel her properly concerning her eligibility for an SRB. She alleged that, had she been properly counseled, she would not have extended her enlistment for one year on December 18, 1998. Instead, she would have waited six days, until she was promoted to xx, before extending her enlistment as required for accepting PCS orders. She further alleged that with proper counseling, she would have cancelled the extension she signed on September 30, 1998, and extended her enlistment for four years to receive an SRB.

3. Under Section 2 of Commandant Instruction 7220.33, the applicant was entitled to proper counseling concerning her eligibility for an SRB under ALDIST 290/98. As a seaman in xx "A" School, her superiors at that school should have advised her that, if she waited six days to extend her contract, she would be eligible under the ALDIST to receive an SRB with a multiple of three. Instead, she was told merely that, as a seaman, there was no SRB available for her.

4. Under Section 3.d.6. of the instruction and ALDIST 290/98, on December 24, 1998, the applicant was eligible to cancel the one-year extension she signed on September 30, 1998, and sign a new extension contract for four years to receive an SRB with a multiple of 3.

5. The Chief Counsel admitted that, in light of her imminent promotion to xx, the applicant should have been counseled concerning her eligibility for an SRB under ALDIST 290/98. Because she acted promptly to correct the error and is willing to commit to serve four years in consideration for the SRB, the Chief Counsel recommended that the Board grant relief.

6. The Coast Guard erred by not informing the applicant that she would be eligible for an SRB if she waited six days, until her graduation from xx "A" School, before signing an extension contract to obligate service for her PCS orders. If the Coast Guard had properly counseled the applicant, she would have extended her enlistment for four years on December 24, 1998, rather than for one year on December 18, 1998. The extension contract she signed on September 30, 1998, would have been administratively canceled.

7. Therefore, the applicant's request should be granted.

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

## ORDER

The application for correction of the military record of XXXXXXXX, USCG, is hereby granted as follows.

Her record shall be corrected to show that on December 24, 1998, she extended her enlistment for four years for the purpose of receiving an SRB with a multiple of three under ALDIST 290/98.

The extension contracts signed by the applicant on September 30, 1998, and December 18, 1998, shall be null and void.

The Coast Guard shall pay the applicant the amount due her as a result of this correction.

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Barbara Betsock

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Karen L. Petronis

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L. L. Sutter