

**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. 2000-024**

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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 November 29, 1999, upon the BCMR's receipt of the applicant's completed application for correction.

This final decision, dated July 13, 2000, is signed by the three duly appointed members who were designated to serve as the Board in this case.

**RELIEF REQUESTED**

The applicant, axxxxxxxxxxxxx on active duty in the Coast Guard, asked the Board to correct his military record to show that he was discharged and reenlisted for a term of six years on January 17, 1999, his tenth anniversary on active duty. The correction would make him eligible to receive a selective reenlistment bonus (SRB) under ALDIST 290/98.

**APPLICANT'S ALLEGATIONS**

The applicant alleged that he was never counseled concerning SRBs during the three months prior to his tenth anniversary on active duty. He alleged that such counseling was required by COMDTINST 7220.33 and that if he had received it, he would have reenlisted for six years so as to be eligible for the SRB.

**SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard on January 17, 1989, for a term of four years. On January 17, 1995, he reenlisted for three years.<sup>1</sup> On June 16, 1998, he reenlisted for three years, through June 15, 2001.<sup>2</sup> The applicant's tenth anniversary on active duty fell on January 17, 1999. There is no documentation in his record of any SRB counseling since 1995.

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

On June 26, 2000, the Chief Counsel of the Coast Guard recommended that the Board grant the applicant's request.

The Chief Counsel stated that the record supports the applicant's allegations of error. He also stated that the applicant took prompt action to rectify the error and is willing to reenlist for six years in consideration for the SRB. Therefore, the Chief Counsel recommended that the Board grant relief by correcting his record to show that he reenlisted for six years on January 17, 1999, to receive a Zone B SRB<sup>3</sup> calculated with a multiple of 1 in accordance with the terms of ALDIST 290/98.

### **APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On June 27, 2000, the Chairman sent the applicant a copy of the views of the Coast Guard and invited him to respond within 15 days. The applicant did not respond.

### **APPLICABLE REGULATIONS**

Section 3.b.(3) of Enclosure (1) to Commandant Instruction 7220.33 (Reenlistment Bonus Programs Administration) states that to be eligible for a Zone B SRB, a member must "[h]ave completed at least 6 but not more than 10 years active service on the date of reenlistment or the operative date of the extension."

Section 3.d.(9) of Enclosure (1) states that "[c]ommanding officers are authorized to effect early discharge and reenlist members within 3 months prior to their 6th, 10th,

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<sup>1</sup> Although there is no paper copy of an enlistment or extension of enlistment contract covering the period January 17, 1993, through January 16, 1995, in the applicant's record at Coast Guard headquarters, it is clear from his record that he remained on active duty continuously during this period.

<sup>2</sup> Although there is no paper copy of an enlistment or extension of enlistment contract covering the period January 17, 1998, through June 15, 1998, in the applicant's record at Coast Guard headquarters, it is clear from his record that he remained on active duty continuously during this period.

<sup>3</sup> 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 served between 6 and 10 years on active duty are in "Zone B."

or 14th year active service anniversary dates (not to be confused with the normal expiration of enlistment), for the purpose of qualifying for a Zone A, B, or C SRB respectively. In such cases, SRB payments will be reduced by any portion of unserved service obligation.”

Enclosure (3) to the instruction states that during the three months prior to their 6th, 10th, and 14th anniversary dates, members must be counseled concerning their eligibility for an SRB. The counseling must be memorialized in their records with a Form CG-3307 signed by the member.

ALDIST 290/98, issued on November 24, 1998, authorized SRBs for members in the xx rating in Zone B who reenlisted or extended their enlistments after November 25, 1998, received an SRB with a multiple of 1. ALDIST 290/98 remained in effect until June 14, 1999.

## 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 he was not properly counseled about his eligibility to receive an SRB by requesting discharge and reenlistment during the three months prior to his tenth anniversary on active duty, January 17, 1999. He alleged that, had he been properly counseled, he would have reenlisted for six years to become eligible for the SRB.

3. Under Enclosure (3) to Commandant Instruction 7220.33, the applicant had a right to be counseled concerning SRBs prior to his tenth active duty anniversary, January 17, 1999. There is no evidence that the Coast Guard counseled the applicant concerning his eligibility for an SRB during the three months prior to that date. Had he been so counseled, a Form CG-3307 should appear in his record, but there is none.

4. Under Section 3.d.(9) of Enclosure (1) to the instruction, the applicant was eligible to be discharged on January 17, 1999, his tenth active duty anniversary, and immediately reenlisted to qualify for a Zone B SRB. Under ALDIST 290/98, he would have received a Zone B SRB with a multiple of 1 for his newly obligated service.

5. The Chief Counsel recommended that the Board grant the applicant relief by correcting his record to show that on January 17, 1999, he reenlisted for a term of six years. The applicant did not object to this recommendation.

6. The Coast Guard erred by not properly counseling the applicant concerning his eligibility for an SRB on his tenth active duty anniversary. Had he been properly counseled, the Board is persuaded that he would have reenlisted for six years to receive the maximum possible SRB, subject to reduction for the remaining obligated service on his previous enlistment.

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

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

## ORDER

The application of XXXXXXX, USCG, for correction of his military record is hereby granted.

His record shall be corrected to show that on his tenth anniversary on active duty, January 17, 1999, he was discharged and immediately reenlisted for a term of six years for the purpose of receiving a Zone B SRB calculated with a multiple of 1 in accordance with the terms of ALDIST 290/98.

The Coast Guard shall pay the applicant any sum he is due as a result of this correction.

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Harold C. Davis, M.D.

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John A. Kern

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Charles Medalen