

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2002-069

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

FINAL DECISION

ANDREWS, Deputy Chair:

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 March 18, 2002, upon the BCMR's receipt of the applicant's completed application.

This final decision, dated December 31, 2002, is signed by the three duly appointed members who were designated to serve as the Board in this case.

SUMMARY OF THE APPLICANT'S REQUEST, ALLEGATIONS, AND RECORD

The applicant asked the Board to order the Coast Guard to pay him the difference between the selective reenlistment bonus (SRB) he actually received and a "correctly calculated" SRB. He alleged that in January 2000, six months before the end of his first enlistment on June 24, 2000, he was advised that, if he reenlisted, he would receive an SRB calculated with a multiple of 4 pursuant to ALCOAST 184/99, which was then in effect. Therefore, he planned to reenlist on June 8, 2000, to receive the SRB.

In February 2000, the applicant had to sign a two-year extension contract in order to accept transfer orders. However, when he reenlisted for six years on June 8, 2000, that extension was canceled. The applicant alleged that prior to signing the six-year reenlistment contract, he asked if he could do anything to receive the higher SRB multiple that had been announced in ALCOAST 218/00. In that ALCOAST, which was issued on May 19, 2000, the multiple was raised to 6 for members in his rating who reenlisted or extended their enlistments after July 1, 2000. The difference in total SRB payments if he reenlisted in July rather than June would be about \$18,600.

The applicant alleged that he was misadvised that he could not do anything to receive the higher multiple. He alleged that he should have been allowed to cancel the

two-year extension, sign a one-month extension instead, and then reenlist in July 2000 to take advantage of the higher multiple authorized under ALCOAST 218/00.

The applicant submitted with his application a letter from his commanding officer, who stated that there is no evidence in the record that the applicant was properly counseled about the higher SRB under ALCOAST 218/00. The commanding officer also stated that if the applicant had been allowed to extend his first enlistment for just one month, he could have reenlisted in July 2000 to receive the higher SRB.

VIEWS OF THE COAST GUARD

On August 29, 2002, the Chief Counsel of the Coast Guard recommended that the Board deny the applicant's request for lack of merit.

The Chief Counsel argued that, under Article 1.G.19.2.b. of the Personnel Manual, members may cancel two-year extensions only for the purpose of immediate reenlistment for an equal or longer period of service. Therefore, there was no authority in June 2000 for the applicant to cancel the two-year extension he had already signed and sign a much shorter extension that would enable him to reenlist in July 2000 for the higher SRB multiple.

APPLICANT'S RESPONSE TO THE COAST GUARD'S VIEWS

On September 3, 2002, the BCMR sent the applicant a copy of the Chief Counsel's recommendation and invited him to respond within 15 days. On November 4, 2002, the applicant replied stating that he would not respond to the recommendation.

APPLICABLE REGULATIONS

ALCOAST 184/99, issued on November 22, 1999, authorized an SRB calculated with a multiple of 4 for members in the applicant's rating who reenlisted or extended their enlistments after January 1, 2000.

ALCOAST 218/00, issued on May 19, 2000, canceled the SRB multiples authorized under ALCOAST 184/99 as of July 1, 2000, and authorized new multiples. The new multiple for members in the applicant's rating was 6.

Article 2 of the SRB Instruction, COMDTINST 7220.33, 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."

Paragraph 3.d.(6) of Enclosure (1) to the SRB Instruction and Article 1.G.19. of the Personnel Manual provide that extensions of two years or less may be canceled prior to their operative dates to allow the member to sign a new, longer extension or reenlistment contract to receive an SRB.

Article 4.B.6.a.1. of the Personnel Manual, entitled "Obligated Service for Assignment," states that assignment officers "normally will not transfer Service members E-4 and above, including active duty Reservists, with fewer than six years of active duty unless they reenlist or extend to have enough obligated service for a full tour on reporting to a new unit. ... However, a member must comply with OBLISERV requirements before he or she will be permitted to execute his or her preferred assignment."

Article 1.G.14.a. of the Personnel Manual provides that, unless required for purposes of transfer or training or provided by special authorization from the Commandant, members may not voluntarily extend their enlistments for any period shorter than two years.

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 10 U.S.C. § 1552. The application was timely.

2. The applicant has not proved that, prior to the end of his enlistment on June 24, 2000, he should have been permitted to cancel his two-year extension to extend for an even shorter period so that he could reenlist in July 2000 and receive the higher SRB multiple under ALCOAST 218/00. Under paragraph 3.d.(6) of Enclosure (1) to the SRB Instruction and Article 1.G.19. of the Personnel Manual, members may only cancel two-year extensions prior to their operative dates in order to immediately reenlist for a longer period.

3. Moreover, under Article 1.G.14.a. of the Personnel Manual, voluntary extensions not executed for the purpose of accepting transfer orders or attending training must be of at least two years' duration. Therefore, even if the applicant had not extended his enlistment to accept transfer orders in February 2000, he would not have been able to extend his enlistment in June 2000 for any period shorter than two years.

4. The applicant has not pointed to any legal authority that would have permitted him in June 2000 to replace his two-year extension with a shorter one, and the Board knows of no such authority. The applicant had to reenlist for at least three years by June 24, 2000, in order to cancel his extension before it became operative and receive

the SRB with a multiple of 4 authorized under ALCOAST 184/99. If he had waited until July 1, 2000, the extension would have become operative and there would have been no authority to let him sign any contract since his end of enlistment would then have been June 24, 2002. Therefore, the Board finds that the applicant has not proved by a preponderance of the evidence that the Coast Guard committed any error or injustice in how it advised him about his eligibility for an SRB.

5. Accordingly, the applicant's request should be denied.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]
ORDER

The application of xxxxxxxxxxxxxxxxxxxxxxxxx, USCG, for correction of his military record is denied.

Angel Collaku

Thomas A. Phemister

Mark A. Tomicich