

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

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 2003-009

Ulmer, Chair:

FINAL DECISION ON FURTHER CONSIDERATION

This is a further proceeding pursuant to section 1552 of title 10, United States Code. This final decision on further consideration, dated December 18, 2003, is signed by the three duly appointed members who were designated to serve as the Board in this case.

ORIGINAL FINDINGS

On August 28, 2003, the Board considered Docket No. 2003-009 and found that the applicant had been erroneously promised a Zone B SRB for a six-year reenlistment on March 30, 2001 for which he was not eligible because he was not serving in pay grade E-5 at the time of reenlistment, as required under COMDTINST 7220.33. Therefore, the Chief Counsel recommended alternative relief by allowing the applicant to void the March 30, 2001 six year reenlistment contract and to elect either a discharge or a new (shorter) reenlistment period under the provisions of Article 1.G. of the Personnel Manual. The Board did not order the relief recommended by the Chief Counsel at the time it rendered the final decision because the applicant did not communicate his agreement with the recommended relief. Although the Board denied the applicant's request for the Zone B SRB, it issued the following directive to the applicant:

If the applicant desires the alternative relief recommended by the Chief Counsel consisting of a discharge or a new enlistment/extension instead of the March 30, 2001 six-year reenlistment, he is directed to file a request with the Board seeking such relief within 60 days from the date of this order.

FURTHER EVIDENCE SUBMITTED

On October 8, 2003, the Board received a communication from the applicant requesting that the Board void his March 30, 2001 six-year reenlistment and replace it with a one year extension under Article 1.G. of the Personnel Manual. In telephone conversations with a member of the BCMR staff on November 20, 2003 and December 17, 2003, the applicant clarified his request, by stating that he wanted to shorten the March 30, 2001, six-year reenlistment to a four-year reenlistment.

FINDINGS AND CONCLUSIONS

Upon further consideration, the Board makes the following findings and conclusions on the basis of the submissions of the applicant and the Coast Guard, the military record of the applicant, and applicable law:

1. The Board has jurisdiction of the case pursuant to section 1552 of title 10, United States Code.

2. The Board determined in the original preceding that the Coast Guard committed an error by erroneously promising the applicant a Zone B SRB for which he was not eligible under the SRB regulation when he reenlisted on March 30, 2001. As alternative relief the Coast Guard recommended that the applicant be allowed to void his March 30, 2001 six-year reenlistment contract and permitted to reenlist for a new period as permitted under Article 1.G. of the Personnel Manual. The Board did not direct such relief in the final decision because the applicant did not express his agreement with it. However the Board granted the applicant sixty days from its original order to state whether he wanted to accept the relief recommended by the Chief Counsel.

3. On December 17, 2003, the applicant requested that his March 30, 2001 six-year reenlistment be replaced with a four-year reenlistment.

4. In light of the Board's finding of error in the original proceeding, the Chief Counsel's recommendation for relief, and input from the applicant, the Board finds that the applicant's March 30, 2001, reenlistment shall be changed to a four-year reenlistment.

ORDER

Upon further consideration, the military record of xxxxxxxxxxxxxxxxxxxxxx, USCG, shall be corrected to show that he reenlisted for a period of four years, rather than six years, on March 30, 2001.

Date

Julia Andrews

Felisa C. Garmon

Dorothy J. Ulmer