

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

Application for the Correction of
the Coast Guard Record of:

**FINAL DECISION
BCMR Docket No. 2003-037**

XXXXX, Xxxxxx X.
xxx xx xxx, XXX

SUMMARY OF THE RECORD

The applicant asked the Board to order the Coast Guard to pay him a selective reenlistment bonus (SRB) that he was promised for the 4-year reenlistment contract he signed on May 24, 2002. He alleged that on December 17, 2001, he was counseled that he was eligible to receive a Zone A SRB under ALCOAST 127/01 but was never paid the SRB. In support of his allegations, he submitted copies of his reenlistment contract, which states that he was "entitled to an SRB Zone A with a multiple of [xxxxx]" and a page 7 entry, which documents his December 17, 2001 counseling. On December 17, 2001, ALCOAST 127/01 was in effect and authorized a Zone A SRB with a multiple of xxxxx for members in the XX rating. However, by May 24, 2002, that ALCOAST had been cancelled and no SRB multiple was in effect for the applicant's rating.

On May 30, 2003, the Chief Counsel of the Coast Guard recommended that the Board grant relief by canceling the applicant's reenlistment contract in light of the Coast Guard's error of improperly counseling the applicant. He asserted that even assuming *arguendo* that the applicant had detrimentally relied on the promised SRB, the doctrine of estoppel does not apply because there was no legal authority to grant his request for the SRB.

FINDINGS AND CONCLUSIONS

The Board finds that the Coast Guard erroneously counseled the applicant about his Zone A SRB eligibility when he reenlisted on May 24, 2002. The Board further finds that although the applicant would not have reenlisted on May 24, 2002 for an SRB for which he was not eligible, he would have either been allowed to extend his original enlistment for at least 2 years or to be discharged since his original enlistment was ending on July 6, 2002. Under Article 1.G.14.a.1. of the Personnel Manual, the minimum voluntary term of contract is a 2-year extension. Accordingly, the Board should grant relief by voiding the applicant's four-year reenlistment contract, signed on May 24, 2002, and by offering him the opportunity to extend his original enlistment contract for 2 years.

ORDER

The military record of XXX Xxxxx X. Xxxxx, xxx xx xxx, USCG, shall be corrected to show that the reenlistment contract that he signed on May 24, 2002 is null and void. At his option, the applicant shall be allowed to extend his original enlistment for a term of 2 years, as of July 7, 2002. If he chooses not to extend for 2 years, the Coast Guard shall discharge him expeditiously.

August 28, 2003

Date

Julia Andrews

Felisa C. Garmon

Dorothy J. Ulmer