

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2004-152

XXXXXXXXXXXXXXXXXX.
XXXXXXXXXXXX XXXXXX

FINAL DECISION

Author: Hale, D.

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 July 13, 2004, upon the BCMR's receipt of the applicant's request for correction.

This final decision, dated March 17, 2005, is signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant asked the Board to correct his record to show that he is entitled to a 10th anniversary selective reenlistment bonus (SRB).¹ He alleged that he was never counseled about his eligibility for the SRB and that if he had been properly counseled, he would have reenlisted on his 10-year service mark to receive a 10th anniversary SRB.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard for 4 years on October 18, 1993, with an expiration of enlistment (EOE) of October 17, 1997. On October 1, 1997, he reenlisted for 3 years as a Gunner's Mate, third class (GM3) with an EOE of September 30, 2000. On March 25, 1999, the applicant extended his enlistment for 8 months for obligated service purposes, with an EOE of May 31, 2001. On May 1, 2001, he reenlisted for another 3 years, with an EOE of April 30, 2004, and received a Zone B SRB with a multiple of 2. On April 13, 2004, the applicant reenlisted indefinitely.

¹ SRBs allow the Coast Guard to offer a reenlistment incentive to members who possess highly desired skills at certain points during their career. SRBs vary according to the length of each member's active duty service, the number of months of service newly obligated by the reenlistment or extension of enlistment contract, and the need of the Coast Guard for personnel with the member's particular skills, which is reflected in the "multiple" of the SRB authorized for the member's skill/rating, which is published in an ALCOAST. Coast Guard members who have at least 21 months but no more than 6 years of active duty service are in "Zone A", while those who have more than 6 but less than 10 years of active duty service are in "Zone B". Members may not receive more than one SRB per zone. Personnel Manual, Article 3.C.4.a. and 3.C.4.b.

VIEWS OF THE COAST GUARD

On September 14, 2004, the Judge Advocate General (JAG) of the Coast Guard recommended that the Board deny the applicant's request. The JAG stated that although there is no evidence that the Coast Guard conducted the 10th anniversary counseling required by Article 3.C.11.2., the applicant is nonetheless ineligible for a Zone B SRB on his 10th anniversary, because he already received a Zone B SRB for his May 1, 2001, reenlistment and he cannot receive a second Zone B SRB.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On September 14, 2004, the Chair sent a copy of the views of the Coast Guard to the applicant and invited him to respond within 30 days. No response was received.

APPLICABLE LAW

Article 3.C.11.2. of the Coast Guard Personnel Manual provides that a CG-3307 (page 7) entry shall be made for personnel within 3 months prior to their 6th and 10th active duty anniversary dates to document counseling concerning their eligibility for a SRB by reenlisting on their anniversary.

Article 3.C.4.b. states that to receive a Zone B SRB, the member must not have previously received a Zone B SRB.

ALCOAST 127/01 was in effect from May 1, 2001, through January 31, 2002. Under ALCOAST 127/01, members who were GM2s were eligible for a Zone B SRB calculated with a multiple of 2.

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 submission, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application was timely filed.
2. Under Article 3.C.11.2. of the Personnel Manual, the applicant was entitled to proper counseling concerning his eligibility for a 10th anniversary SRB when he reached his 10-year service mark on October 18, 2003.
3. There is no evidence in the applicant's record that he was counseled regarding his eligibility for a 10th anniversary SRB, nor is there a page 7 documenting such counseling as required by Article 3.C.11.2. Moreover, the JAG admitted that the Coast Guard failed to counsel the applicant regarding his 10th anniversary SRB. Accordingly, the applicant has proven by a preponderance of the evidence that he was not counseled regarding his eligibility for a 10th anniversary SRB. The Board notes, however, that the applicant received a Zone B SRB for his May 1, 2001, reenlistment pursuant to ALCOAST 127/01. In accordance with Article 3.C.4.b., the applicant was

not eligible for a second Zone B SRB on his 10th anniversary because members may only receive one Zone B SRB during their career. Therefore, the Coast Guard's failure to counsel the applicant on his 10th anniversary was harmless.

4. Accordingly, relief should be denied.

ORDER

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

Quang D. Nguyen

Kathryn Sinniger

Molly McConville Weber