

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

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2004-154**

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**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 19, 2004, upon the BCMR's receipt of the applicant's request for correction.

This final decision, dated May 19, 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 selective reenlistment bonus (SRB)<sup>1</sup> calculated with a multiple of 2.5, instead of the multiple of 2.0 that he received for signing a six-year reenlistment contract on May 1, 2003.

The applicant alleged that when he signed a six-year extension contract on May 1, 2003, he was counseled that he would receive an SRB with a multiple of 2.5. According to the applicant, his Commanding Officer (CO) and a yeoman from his

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<sup>1</sup> 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. Members may not receive more than one SRB per zone. Personnel Manual, Article 3.C. and 3.C.4.a. Coast Guard members who have at least six years but no more than ten years of active duty service are in "Zone B." COMDTINST 7220.33.

personnel reporting unit (PERSRU), told him that he was eligible for an SRB multiple of 2.5 because he was a boatswain's mate, second class (BM2), in Zone B, with coxswain certification. The applicant further alleged that shortly after his SRB payments began, he noticed that the SRB had been computed with a multiple of 2.0, and not the 2.5 he was told that he would receive.

On his application to the BCMR, the applicant alleged that his reenlistment contract erroneously identified ALCOAST 329/02 as being in effect at the time of his reenlistment. He alleged, however, that ALCOAST 182/03 was the applicable ALCOAST at the time of his reenlistment. Finally, the applicant alleged that he only reenlisted for six years because he had been promised a multiple of 2.5 in accordance with ALCOAST 182/03, and that if he had known that he was not eligible for a multiple of 2.5, then he would have extended his enlistment and reenlisted at a later date to receive the 2.5 multiple.

### **SUMMARY OF THE APPLICANT'S RECORD**

The applicant enlisted in the Coast Guard on March 19, 1996, with an expiration of enlistment (EOE) of March 18, 2000. On January 18, 2000, he extended his enlistment for three months, with the permission of the Military Personnel Command, with an EOE of June 18, 2000. On May 3, 2000, he reenlisted for three years for a Zone A SRB, with an EOE of May 2, 2003. On October 23, 2001, he was certified as a small boat coxswain. On May 1, 2003, the applicant reenlisted for six years as a BM2, and gained entitlement to a Zone B SRB. The applicant's enlistment contract states that he is entitled to a Zone B SRB in accordance with ALCOAST 329/02.

The applicant submitted several documents to sustain his claim that the Coast Guard committed an error or injustice when he reenlisted on May 1, 2003. The first document is a memorandum from a Chief Warrant Officer (CWO), dated January 12, 2004. In that memorandum, the CWO stated that he was the officer in charge of the Coast Guard station when the applicant reenlisted and that he did not recall counseling or signing an administrative remarks (Page 7)<sup>2</sup> to document the applicant's counseling for an SRB. The CWO stated that he probably "went over with him [the applicant] what his SRB might be."

The second document is an undated memorandum from a yeoman at his unit's PERSRU that states that she checked the applicant's personnel record and did not see any Page 7s or other counseling documents with regards to the SRB he received for his May 1, 2003, reenlistment.

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<sup>2</sup> A CG-3307 (Administrative Remarks, or Page 7) entry documents any counseling that is provided to a service member as well as any other noteworthy events that occur during that member's military career.

## **VIEWS OF THE COAST GUARD**

On October 18, 2004, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny the requested relief but grant the applicant alternative relief. The JAG stated that in an effort to afford the applicant a result that most closely represents the bargain he claims, the Coast Guard recommends that the Board offer the applicant two options. First, the applicant could choose to have the Board void the May 1, 2003, reenlistment contract and be immediately discharged. The JAG noted if the applicant chooses this option, he would be required to repay the Coast Guard any SRB payments already received. The second option recommended by the JAG was to have the Board correct the applicant's record by explicitly stating that the applicant was only entitled to an SRB with a multiple of 2.0, in accordance with ALCOAST 329/02.

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

On October 19, 2004, the Chair sent a copy of the views of the Coast Guard to the applicant and invited him to respond within 30 days. On November 19, 2004, the applicant requested an extension to reply to the Coast Guard's advisory opinion. On December 22, 2004, the Chair granted the applicant's request and stated that the deadline to submit his response was January 17, 2005. No response was received.

### **APPLICABLE LAW**

Article 3.C.3. of the Coast Guard Personnel Manual (Written Agreements) states that "[a]ll personnel with 10 years or less of active service who reenlist or extend for any period, however brief, shall be counseled on the SRB program. They shall sign an Administrative Remarks, CG 3301 (Page 7), service record entry outlining the effect that particular action has on their SRB entitlement."

ALCOAST 329/02 was issued by the Commandant on July 3, 2002, and was in effect from August 5, 2002, through June 30, 2003. It authorized SRBs for members who reenlisted or extended their current enlistments and established a multiple of 2.0 for BM2s with an additional 0.5 multiple added for members possessing eligible surfman qualification codes.

ALCOAST 182/03 was issued by the Commandant on April 24, 2003, and was in effect from July 1, 2003, through July 31, 2004. Under ALCOAST 182/03, BM2s were eligible for a Zone B SRB calculated with a multiple of 2.0, with an additional 0.5 multiple added for members possessing eligible coxswain competency codes.

ALCOAST 306/04 was issued by the Commandant on June 21, 2004, and went into effect on August 1, 2004. Under ALCOAST 306/04, BM1s are eligible for a Zone B

SRB calculated with a multiple of 2.0, with an additional 0.5 multiple added for members possessing eligible coxswain competency codes.

## 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.

2. On May 1, 2003, the applicant signed a six-year reenlistment contract and on the face of the document it states that he would receive a Zone B SRB in accordance with ALCOAST 329/02. He alleged that he was promised an SRB multiple of 2.5. The record indicates that the applicant was not properly counseled with a Page 7 to document SRB counseling, as required by Article 3.C.3. of the Personnel Manual. Article 3.C.3. states that personnel with ten years or less of active service who reenlist for any period shall be counseled on the SRB program and shall sign a Page 7 outlining the effect that particular action has on their SRB entitlement. Such a Page 7 would have documented the SRB multiple for which the applicant was eligible. The Board notes that the only evidence of SRB counseling in the record is a memorandum in which the applicant's CO states that he "went over with him [the applicant] what his SRB might be."

3. The ALCOAST in effect at the time of the applicant's reenlistment was ALCOAST 329/02, and it was effective from August 5, 2002, through June 30, 2003. Under ALCOAST 329/02, the applicant was eligible for a Zone B SRB with a multiple of 2.0. Although the applicant alleged that ALCOAST 182/03 was in effect at the time of his reenlistment on May 1, 2003, it was issued on April 24, 2003, and was in effect from July 1, 2003, through July 31, 2004.

4. The applicant has proved by a preponderance of the evidence that he was not properly counseled regarding his eligibility for a Zone B SRB. If the applicant had been properly counseled, a Page 7 entry would have been made in his record indicating that he was eligible for a Zone B SRB calculated with a multiple of 2.0 in accordance with ALCOAST 329/02.

5. The Board also finds that if the applicant had been properly counseled at the time of his May 1, 2003, reenlistment, he would have had the following options:

- a. Reenlist as he did for an SRB with a multiple of 2.0 under ALCOAST 329/02;

- b. Extend his enlistment for two years, which is the minimum voluntary extension allowed under Article 1.G.15.a. of the Personnel Manual, and at the termination of said extension, reenlist for three, four, five, or six years for an SRB with a multiple of 2.5 under ALCOAST 306/04; or
- c. Be discharged from the Coast Guard.

Therefore, the applicant should be properly counseled about each of these options, and he should be permitted, at his discretion, to (1) retain his current reenlistment contract and SRB; (2) void the reenlistment contract, extend his prior enlistment for two years, and then reenlist for an SRB under ALCOAST 306/04; or (3) be expeditiously discharged, in which case the reenlistment contract shall be void and an extension contract shall be created to cover his service from May 3, 2003, until his date of discharge from the Coast Guard.

6. Accordingly, relief should be granted in accordance with the findings above.

**ORDER**

The military record of \_\_\_\_\_ shall be corrected as follows. At his discretion, he may

- (1) elect to retain the status quo with no correction of his record and keep the SRB already paid to him;
- (2) have his reenlistment contract dated May 1, 2003, voided and replaced with a two-year extension contract, at the termination of which he shall be allowed to reenlist for three, four, five, or six years, at his discretion, to receive an SRB under ALCOAST 306/04; or
- (3) have his reenlistment contract voided and be expeditiously discharged from the Coast Guard. If he chooses this option, an extension contract shall be created to cover his service from May 3, 2003, until his date of discharge, and the Coast Guard may recoup any SRB payments already paid to him.

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