

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2005-165

XXXXXXXXXXXXXXXXXX.
Xxx xxx xxxxx, EM1

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. The case was docketed on September 9, 2005, upon receipt of the applicant's completed application.

This final decision, dated June 1, 2006, 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, an electrician's mate first class (EM1), asked the Board to correct the term of an extension contract that she signed on January 20, 2000, from 2 years to 1 year, 5 months. The applicant stated that in January 2000 she was told that she would need to obligate an additional 2 years of service prior to reporting to EM "A" school.¹ She alleged that "I obligated too much service for EM class 'A' school" and alleged that she was only required to obligate an additional 1 year, 5 months of additional service.

In addition, the applicant alleged that she was not counseled regarding her eligibility for an SRB when she signed an extension contract on April 30, 2002, to accept transfer orders. The applicant asked the Board to replace that 2-year, 6-month extension contract with a 4-year reenlistment contract so she can receive a Zone A SRB.

SUMMARY OF THE RECORD

¹ "A" school is where Coast Guard members receive training for their specific rating.

On July 15, 1996, the applicant enlisted in the Coast Guard for a term of 4 years, through July 14, 2000. On November 30, 1998, the applicant extended her enlistment for 5 months to obligate service for transfer, with a new end of enlistment (EOE) date of December 14, 2000. On January 20, 2000, the applicant signed a 2-year extension contract to obligate sufficient service to attend EM "A" school, with an adjusted EOE date of December 14, 2002. The applicant was advanced to EM3 upon graduating from "A" school on May 5, 2000. On April 30, 2002, the applicant signed a 2-year, 6-month extension contract to obligate sufficient service to accept transfer orders. The applicant reached her 6th active duty anniversary on July 15, 2002. There is no page 7 entry² in the record to indicate that she received SRB counseling on either April 30, 2002, or on her 6th anniversary. The applicant advanced to EM2 on June 1, 2003, and to EM1 on February 1, 2005. On February 2, 2005, she signed a 6-year reenlistment contract to receive a Zone B SRB with a multiple of 3 pursuant to ALCOAST 306/04.

VIEWS OF THE COAST GUARD

On January 20, 2006, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion in which he recommended granting relief. He stated that the record supports the applicant's allegations that she was never counseled about her opportunities to reenlist for a Zone A SRB. The JAG did not address the applicant's allegation that she obligated too much service to attend EM "A" school in January 2000.

RESPONSE TO THE VIEWS OF THE COAST GUARD

On January 25, 2006, the Chair sent the applicant a copy of the JAG's advisory opinion and invited her to respond. The Chair did not receive a response.

APPLICABLE LAW

Chapter 2.A.11. of the Coast Guard Training and Education Manual provides that a member shall reenlist or extend their enlistment to cover the period of obligated service remaining upon graduation from "A" school. Figure 2-1 indicates that EM "A" school is 14 weeks long, and Figure 2-2 indicates that upon graduation members must have at least 26 months remaining on their enlistments.

Article 3.C.3. of the Coast Guard Personnel Manual requires that all personnel with 10 years or less of active service who reenlist or extend 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.

² A page 7 (CG-3307) 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.

Article 3.C.11.2. of the Personnel Manual requires that a page 7 entry regarding counseling about SRB eligibility be made in a member's record within 3 months of his or her 6th and 10th anniversaries.

ALCOAST 585/01 was issued on December 20, 2001, and was in effect from February 1, 2002, through August 4, 2002. Under ALCOAST 585/01, EM3s were eligible for an SRB calculated with a multiple of 1.5.

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. The applicant alleged that she was erroneously counseled to extend her enlistment for 24 months to obligate sufficient additional service prior to reporting to EM "A" school in January 2000. The Board agrees. If the applicant had been properly counseled, she would have been told that, under Chapter 2.A.11. of the Coast Guard Training and Education Manual, before reporting to "A" school on January 22, 2000, she needed to obligate sufficient service — 19 more months — to complete the 14 weeks of school and have 26 months remaining on her enlistment upon completion of the school.³ Therefore, the applicant is entitled to have the term of her January 20, 2000, extension contract corrected to 19 months. This correction will reduce the amount of previously obligated service she has upon reenlistment on April 30, 2002 (see below), and thus increases her subsequent Zone A SRB.

3. The applicant also alleged that she was not counseled regarding her eligibility for an SRB when she signed an extension contract on April 30, 2002. She asked the Board to void the extension contract and replace it with a 4-year reenlistment so she can receive a Zone A SRB. Under Article 3.C. of the Personnel Manual, the applicant was entitled to proper counseling concerning her eligibility for a Zone A SRB when she signed a 2-year, 6-month extension contract on April 30, 2002. There is no page 7 entry in the record to indicate that she received the mandatory SRB counseling. The Board finds that if the applicant had been properly counseled regarding her SRB eligibility, then she likely would have signed at least a 3-year reenlistment contract to receive an SRB pursuant to ALCOAST 585/01. The Board notes that the applicant requested that her April 30, 2002, extension contract be replaced with a 4-year

³ The applicant needed 26 months of obligated service when she graduated on April 20, 2000. The applicant had already obligated service through December 14, 2000. Thus, she needed to obligate an additional 19 months.

reenlistment contract. However, a 4-year contract would reduce the Zone B SRB that she received for her February 2005 reenlistment by nearly 15 months of previously obligated service. As the SRB multiple for the February 2005 contract is twice that of the multiple authorized for EMs in Zone A in April 2002, it is in the applicant's pecuniary interest to replace the April 30, 2002, extension contract with the minimum allowable 3-year reenlistment contract instead of a 4-year contract.

4. In light of the record and the JAG's recommendation, the term of the applicant's January 20, 2000, extension contract should be corrected from 24 months (2 years) to 19 months. In addition, the applicant's April 30, 2002, extension contract should be removed from her record as null and void and replaced with a 3-year reenlistment contract so that she may receive a Zone A SRB pursuant to ALCOAST 585/01.

ORDER

The application of EM1 xxxxxxxxxxxxxxxxx, USCG, for correction of her military record is granted. The Coast Guard shall correct the term of her January 20, 2000, extension contract from 24 months (2 years) to 19 months. In addition, the Coast Guard shall remove the April 30, 2002, extension contract from her record as null and void and replace it with a 3-year reenlistment contract dated April 30, 2002. The Coast Guard shall pay her any amount due pursuant to ALCOAST 585/01 and ALCOAST 306/04 as a result of this correction.

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