

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2009-022

XXXXXXX.
xxxxxx, BM3/E-4

FINAL DECISION

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 Chair docketed the case on November 14, 2008, upon receipt of the applicant's completed application, and assigned it to staff members D. Hale and J. Andrews to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated July 16, 2009, is approved and 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, a boatswain's mate, third class (BM3), in the Coast Guard, asked the Board to correct his record to show that he is entitled to a \$2,000 enlistment bonus for enlisting in the Coast Guard on October 16, 2007, and agreeing to serve in the BM rate. He alleged that his Coast Guard recruiter promised him a \$2,000 bonus but that the Coast Guard refused to pay him the bonus. In support of his allegation, the applicant submitted a copy of his Record of Military Processing, which states in block 32.a. that he was enlisting for a "\$2,000.00 AD affiliation bonus."

In support of his allegation, the applicant also submitted an email from his Coast Guard recruiter, a first class petty officer, dated August 29, 2008, who apologized to the applicant for erroneously promising him a bonus and explained that "there is no active duty bonus with a guaranteed 'A' school..."¹

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard Reserve (Delayed Entry Program) on October 5, 2007, and in the regular Coast Guard on October 16, 2007, for a period of four years, through October 15, 2011. His record contains his Record of Military Processing (DD Form 1966), and

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

annexes A, D, and I. Block 32.a. of DD Form 1966 is labeled "Specific Option/Program Enlisted For" and shows that he was promised a \$2,000 active duty affiliation bonus.

VIEWS OF THE COAST GUARD

On April 6, 2009, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion and recommended that the Board grant relief. The JAG stated that COMDTINST M1000.6A, Article 3.A.9., stipulates the annex on which affiliation bonuses are memorialized, and that under Article 3.A.3.2. of the Coast Guard Personnel Manual, the applicant was eligible for the bonus because he agreed to enlist in the Coast Guard for four years and attend BM Class "A" school.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 10, 2009, the Chair sent the applicant a copy of the JAG's advisory opinion and invited him to respond within thirty days. The applicant responded on June 18, 2009, and agreed with the Coast Guard's recommendation.

APPLICABLE REGULATIONS

Article 3.A.1. of the Coast Guard Personnel Manual states that the enlistment bonus program is an incentive to attract qualified personnel to critical skills or ratings to help meet the Coast Guard's recruiting goals. The program applies to new enlistees.

Article 3.A.3. of the manual states that enlistment bonuses are linked to a member's recruitment and affiliation with a critical rating by attending a guaranteed Class "A" school or participating in a guaranteed "Striker" program in that rating.

Article 3.A.9. of the manual provides the enlistment bonus agreements (Annexes T, T.1 and T.2) that document the eligibility criteria and conditions under which an enlistment bonus is paid. Annex T, paragraph 1 states:

I have been offered an Enlistment Bonus of \$_____ to affiliate with the _____rating. In order to affiliate with this rating, I have either been offered a guaranteed Class "A" school or I am a prior service member who is already qualified in the skill/rating in accordance with eligibility criteria established by the Coast Guard.

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 submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application was timely.

2. The Board finds that the applicant's recruiter promised him a \$2,000 enlistment bonus and memorialized that promise on the applicant's Record of Military Processing. However, the Coast Guard, without explanation, refused to pay the bonus.

3. The JAG admitted and the Board finds that the Coast Guard committed an error by refusing to pay the applicant the enlistment bonus to which he was entitled under Article 3.A.3.2. of the Personnel Manual. In this regard, the Board notes that the JAG admitted, and the Board agreed, that the applicant met the eligibility criteria for the enlistment bonus because he enlisted in the Coast Guard for four years in a critical rating and completed BM Class "A" School.

4. Accordingly, the applicant's request should be granted. The Coast Guard should correct the applicant's record to show that he is entitled to receive a \$2,000 enlistment bonus for signing a four-year enlistment contract on October 16, 2007.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of XXXXXXXX, XXXXXXX, USCG, for correction of his military record is granted as follows:

The Coast Guard shall correct his record to show that he is entitled to the \$2,000 enlistment bonus he was promised for signing a four-year enlistment contract on October 16, 2007, and shall pay him any amount due as a result of this correction.

Lillian Cheng

Nancy L. Friedman

Vicki J. Ray