

**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. 2010-055**

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XXXXXXXXXXXXXXXXXXXXX

SUMMARY OF THE RECORD

The applicant asked to be paid a selective reenlistment bonus (SRB) for reenlisting on October 14, 2009. He alleged that on July 28, 2009, after he received orders to transfer from ESD Miami to ESU Miami on August 1, 2009, he told a yeoman that he wanted to extend his enlistment for a year and then later cancel the extension before its operative date, October 20, 2009, to reenlist for an SRB. However, the orders required 4 years of obligated service, and his enlistment was ending on October 19, 2009. Therefore, his prior enlistment was extended for 4 years instead of 1 year to obligate service for the transfer. When he tried to reenlist for 4 years for an SRB on October 14, 2009, he was allowed to sign an enlistment contract stating that he was eligible for an SRB calculated with a multiple of 1.8 under ALCOAST 286/08. However, he was later told that he could not get the SRB because of the 4-year extension in his record. The applicant alleged that his Servicing Personnel Office (SPO) deleted the extension from his record to help him get the SRB, but the Personnel Service Center informed the SPO that the extension was still present in the database and that his new reenlistment was void. In support of his allegations, the applicant submitted a Career Intentions Worksheet dated July 27, 2009, on which he noted that he wanted to extend his enlistment for only 1 year, and an unsigned 4-year extension contract dated July 28, 2009. He also submitted emails between administrative personnel stating that the applicant could not get the promised SRB with the 4-year extension in his record and that he should have submitted a request for a short-term extension.

There is no evidence of the July 28, 2009, extension contract in the record submitted to the Board by the Coast Guard, which contains only his original 6-year enlistment dated October 29, 2003, and the 4-year reenlistment dated October 14, 2009, and contains no Page 7s documenting SRB counseling. The second contract states that he was authorized an SRB multiple of 1.8 under ALCOAST 286/08, which was canceled as of July 15, 2009, and only authorized an SRB multiple of 1.5 for IT2s. On July 16, 2009, ALCOAST 353/09 went into effect and did authorize an SRB multiple of 1.8 for IT2s. However, under ALCOAST 393/09, the SRB program was temporarily suspended from July 16 to September 30, 2009.

The Judge Advocate General (JAG) of the Coast Guard recommended that the Board grant relief because on July 28, 2009, the applicant was within 3 months of his 6th active duty anniversary (October 20, 2009). The JAG alleged that the applicant could have reenlisted for an SRB on July 28, 2009, and recommended that the Board reenlist the applicant for 4 years on that date for an SRB calculated with a multiple of 1.8 under ALCOAST 353/09. The applicant agreed with this recommendation.

FINDINGS AND CONCLUSIONS

Under Article 3.C.3. of the Personnel Manual, the applicant was entitled to accurate SRB counseling when he extended his enlistment on July 28, 2009, and when he reenlisted on October 14, 2009, and those counseling sessions should have been documented on Page 7s. The lack of a Page 7 in the record before the Board supports his allegation that he was not properly counseled. Under Article 4.B.6.a. of the Personnel Manual, members with less than 6 years of service must obligate sufficient service to complete a full tour of duty before executing transfer orders. Therefore, the applicant should have

been required to obligate 4 years of new service prior to his transfer date, August 1, 2009, in which case he could not receive an SRB for reenlisting for 4 years on October 14, 2009, because under Article 3.C.7. of the manual, SRBs are paid only for months of newly obligated service. The applicant's record apparently showed at one point that he had obligated 4 years of new service on July 28, 2009, but whether he ever agreed to this obligation by signing a 4-year extension contract is unclear since there is no signed contract in the record before the Board. The applicant was not eligible for an SRB on July 28, 2009, because under ALCOAST 393/09, the SRB program was temporarily suspended at the time.

The JAG argued that because the applicant was within 3 months of his 6th active duty anniversary on July 28, 2009, he could have reenlisted for the SRB on that date. However, under ALCOAST 393/09, the SRB program was suspended. Paragraph 1.D. of the ALCOAST provided an exception to the suspension for members whose 6th or 10th anniversary fell between July 16 and September 30, 2009, but the applicant's 6th anniversary was October 20, 2009. Therefore, the exception under ALCOAST 393/09 did not apply to the applicant and he could not have reenlisted for an SRB on July 28, 2009.

The Coast Guard has greatly confused matters in this case by (1) entering a 4-year extension dated July 28, 2009, in the database without entering a corresponding signed extension contract in his record to prove his agreement; (2) removing the extension from the database; (3) erroneously promising him an SRB for a 4-year reenlistment on October 14, 2009; (4) enforcing the reenlistment but refusing to pay him the SRB based on the removed extension; and (5) alleging in the advisory opinion that he was eligible to reenlist for an SRB on July 28, 2009, even though he was not. Under the circumstances of this case, the Board finds that the applicant has suffered an injustice. Accordingly, relief should be granted by voiding the 4-year extension contract that the applicant allegedly signed on July 28, 2009, and paying him the SRB he was promised on October 14, 2009.

ORDER

The military record of IT2 xxxxxxxxxxxxxxxxxxxxxx, USCG, shall be corrected by removing the July 28, 2009, 4-year extension contract from his record as null and void. The Coast Guard shall pay him the SRB he is due as a result of this correction and his October 14, 2009, 4-year reenlistment contract.

September 23, 2010
Date

Lillian Cheng

Francis H. Esposito

Randall J. Kaplan