

**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. 2010-059**

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

SUMMARY OF THE RECORD

The applicant asked to be paid a selective reenlistment bonus (SRB) for reenlisting for 4 years on April 15, 2009. He alleged that he was eligible to reenlist for an SRB on that date because he needed to obligate additional service to accept transfer orders and his rating was authorized an SRB under ALCOAST 286/08. However, he alleged, someone entered the contract into the database incorrectly, which cause the contract to be void. Therefore, he did not receive the SRB. The applicant's record shows that he originally enlisted for 6 years from July 12, 2005, through July 11, 2011. His record also contains a Page 7 documenting SRB counseling on April 15, 2009, and stating that he would receive an SRB based on 22 months of newly obligated service as a result of reenlisting for 4 years. The Page 7 also states that he was eligible to reenlist or extend his enlistment "for a maximum of 4 years." The signatures on the reenlistment contract are dated April 15, 2009, but the typed date of reenlistment on the front page is July 12, 2011. His record also shows that he transferred to his new unit on June 9, 2009, and needed at least 4 years of obligated service to execute the transfer orders.

The Judge Advocate General (JAG) of the Coast Guard recommended that the Board grant relief because the record supports the applicant's allegations. The JAG stated that whoever counseled the applicant apparently confused a reenlistment contract, which becomes effective upon signature, with an extension contract, which becomes operative on the day after the end of the current enlistment.

In response to the JAG's recommendation, the applicant asked the Board to correct his record to show that he extended his enlistment for 6 years on April 15, 2009, instead of signing a 4-year reenlistment. He explained that his unit on South Padre Island, Texas, is three hours away from the closest Coast Guard administrative office, so all communications were conducted by email, fax, and telephone. At the time, he was told that he could only get the bonus by reenlisting and that he could only reenlist for 4 years, but he now knows that he was actually eligible to reenlist or extend for up to 6 years and that a 6-year extension would have maximized his SRB.

FINDINGS AND CONCLUSIONS

Under Article 3.C.3. of the Personnel Manual, the applicant was entitled to accurate SRB counseling on April 15, 2009, when he was authorized to reenlist or extend his enlistment to

obligate service for transfer. The dates on his April 15, 2009, contract show that his counselor did not understand the difference between a reenlistment contract and an extension contract. Moreover, under Articles 1.G.2.a.1. and 1.G.15.a.2. of the Personnel Manual, the applicant was eligible to reenlist or extend his prior enlistment for up to 6 years. Yet the Page 7 prepared by the counselor states that he could only reenlist or extend for up to 4 years. The Board finds that the preponderance of the evidence clearly shows that the applicant was miscounseled and that, if he had been properly counseled, he would likely have extended his prior enlistment for 6 years to receive the maximum SRB for which he was eligible.

ORDER

The military record of MK2 XXXXXXXXXXXXXXXXXXXX, USCG, shall be corrected by removing the 4-year reenlistment contract dated July 12, 2011, but signed on April 15, 2009, from his record as null and void. Instead, his record shall show that he signed a 6-year extension contract on April 15, 2009, to obligate service for transfer. The Coast Guard shall pay him the SRB he is due under ALCOAST 286/08 as a result of this correction.

September 23, 2010
Date

Lillian Cheng

Francis H. Esposito

Randall J. Kaplan