

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2010-133

**XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX**

FINAL DECISION

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case upon receipt of the applicant's completed application on May 19, 2010, and subsequently prepared the final decision for the Board as required by 33 CFR § 52.61(c).

This final decision, dated December 30, 2010, 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 asked the Board to correct her military record so that she is eligible for a \$3,000 bonus for affiliating with the Selected Reserve (SELRES) for six years, which included the 15 months that remained on her initial eight-year military service obligation (MSO) from her 2002 enlistment. The applicant alleged that she was not properly counseled regarding the affiliation bonus upon her release from active duty (RELAD) on June 9, 2009. She stated that she enlisted in the Coast Guard Reserve for six years on September 18, 2009 for the affiliation bonus as soon as she learned about it, but if she had been properly counseled she would have obligated service much sooner.

The applicant initially enlisted in the Coast Guard on September 10, 2002 for eight years. Four years were to be served on active duty and four years were to be served in the Reserve. She extended on active duty for two years and nine months, with an expiration of enlistment on June 9, 2009. According to her military record, she affiliated with the Selected Reserve on June 10, 2009, but did not execute an agreement to affiliate with the SELRES for the necessary minimum three-year period to obtain the affiliation bonus until September 18, 2009.

VIEWS OF THE COAST GUARD

On August 5, 2010, the Judge Advocate General (JAG) of the Coast Guard recommended that the Board grant relief. In this regard, the JAG stated the following:

The record does not document that the applicant was advised in an administrative remarks [page 7] on her entitlements for an affiliation bonus. IAW ALCOAST 167/09, paragraph 7.A. . . . “Eligibility required for RELAD personnel in the MK rating, who are E-4 or above and obligated to serve the remainder of their initial eight-year [military service obligation] MSO in the ready reserve; Member agrees to affiliate with the SELRES [Selected Reserve] for a minimum of three years. The SELRES affiliation agreement for bonus payment should be executed before the member is released from active duty. However, if necessary, the agreement may be executed up to three months after the RELAD date.” The applicant noted that she “obligated service as soon as possible upon being informed of the availability of the affiliation bonus.” Therefore, it is believable that had the applicant been properly counseled, she would have reenlisted within the time frame required as per ALCOAST 167/09. This would have made the applicant eligible for 15 months of . . . affiliation bonus The amount of the bonus paid will be determined by multiplying 200 dollars times the number of months, up to 48 months of reserve obligation the member has remaining . . . at the time of discharge.

Recommendation: The Coast Guard recommends that the Board grant the relief requested by the applicant.

APPLICANT’S RESPONSE TO THE COAST GUARD’S VIEWS

On August 12, 2010, a copy of the views of the Coast Guard was mailed to the applicant for response. The Board did not receive a response from the applicant.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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 JAG found, and the Board agrees, that the Coast Guard violated ALCOAST 167/09 by not counseling the applicant on a page 7 about her eligibility for an affiliation bonus upon her separation from active duty. Since the applicant was assigned to the SELRES on June 10, 2009 and committed to serve for six years in the SELRES on September 18, 2009, it is certainly believable that she would have made this commitment earlier if she had been counseled on a page 7, as required by the ALCOAST. It appears to the Board that the applicant met all of the eligibility requirements for the affiliation bonus.
3. Therefore, her record should be corrected to show that she was eligible for an affiliation bonus based on the number of months remaining on her MSO as of June 9, 2009.

ORDER

The application of XXXXXXXXXXXX, USCG, for correction of her military record is granted as follows:

The Coast Guard shall correct her record to show that she is entitled to an affiliation bonus for affiliating with the SELRES based upon the amount of MSO she had remaining on June 9, 2009. The Coast Guard shall pay her the amount due as a result of this correction.

Julia Andrews

Darren S. Wall

Kenneth Walton