

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2012-038

XXXXXXXXXXXXXX.

XXXXXXX, OSC

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 on December 13, 2011, upon receipt of the applicant's completed application, and assigned it to staff member D. Hale to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated May 2, 2012, 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, a chief operations specialist (OSC) asked the Board to correct his record to show that he is eligible to receive a Zone A selective reenlistment bonus (SRB)¹ on his sixth active duty anniversary. The applicant stated that he was not counseled regarding his opportunity to reenlist on the anniversary to receive an SRB.

SUMMARY OF THE RECORD

The applicant reenlisted in the Coast Guard on June 14, 2002, for a term of four years, with an end of enlistment (EOE) date of June 13, 2006. Immediately prior to reenlisting he had served in the selected reserve (SELRES) and individual ready reserve (IRR) since May 6, 1997, and more than four years of active service in the Coast Guard prior to reenlisting on June 14, 2002. His active duty base date is April 14, 1998, and his sixth active duty anniversary is April 14, 2004. There is nothing in the record to show that he was counseled regarding his eligibility

¹ SRBs allow the Coast Guard to offer a reenlistment incentive to members who possess highly desired skills at certain points during their career. SRBs vary according to the length of each member's active duty service, the number of months of service newly obligated by the reenlistment or extension of enlistment contract, and the need of the Coast Guard for personnel with the member's particular skills, which is reflected in the "multiple" of the SRB authorized for the member's skill/rating, which is published in an ALCOAST. Coast Guard members who have at least 17 months but no more than 6 years of active duty service are in "Zone A", while those who have more than 6 but less than 10 years of active duty service are in "Zone B". Members may not receive more than one SRB per zone. Coast Guard Personnel Manual, Article 3.C.4.

to reenlist on his sixth anniversary for an SRB.

On February 27, 2006, the applicant reenlisted for six years and received a Zone B SRB. He signed an indefinite reenlistment contract on November 30, 2011.

VIEWS OF THE COAST GUARD

On May 15, 2012, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion in which he recommended that the Board grant conditional relief. The JAG recommended that the applicant be given the option to receive an SRB for his June 14, 2002, reenlistment, but cautioned that doing so would cause the Coast Guard to recoup from the applicant four months of his previously awarded Zone "B" SRB.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 17, 2012, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. In his response he stated that he did not have any objections to the Coast Guard's recommendation.

APPLICABLE LAW

Article 3.C.3. of the Coast Guard Personnel Manual requires that all personnel with ten 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.

Article 12.B.7.b. of the manual provides that commanding officers are authorized to separate a member three or fewer months before the normal separation date for the purpose of reenlistment.

ALCOAST 353/09 was issued on June 12, 2009, and went into effect on July 16, 2009. Under ALCOAST 353/09, IS2s in Zone A are eligible for an SRB multiple of 0.8.

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 section 1552 of title 10 of the United States Code. The application was timely.

2. The applicant alleged that the Coast Guard failed to counsel him that his SRB would be reduced by his previously obligated service, and stated that he would have reenlisted for six years instead of four if he had known. Article 3.C.3. of the Personnel Manual requires that the Coast Guard provide a member SRB counseling each time they sign a reenlistment or extension contract, and there is no Page 7 in the applicant's record to show that this counseling took place. Therefore, the applicant has proven by a preponderance of the evidence that the Coast Guard committed an error.

3. The Board finds that if the applicant had been properly counseled when he reenlisted on November 18, 2009, he would have been told that in accordance with Article 3.C.5.6. of the Personnel Manual, his SRB would be reduced by the service previously obligated by his March 20, 2008, 32-month extension contract. He would have been told that although he signed a four-year reenlistment contract, he would receive an SRB calculated with only 15 months of newly obligated service.

4. The JAG argued that relief should be denied because there was no need for the applicant to reenlist on November 18, 2009. The Board disagrees. Before he signed his reenlistment contract on November 18, 2009, the applicant's EOE date was December 11, 2009, and Article 3.C.5.6. of the manual states that extensions may be canceled prior to their operative dates for the purpose of extending or reenlisting for a longer term to earn an SRB. The operative date of the applicant's March 20, 2008, extension contract was December 12, 2009, so he was eligible to cancel the extension contract before December 12, 2009, and reenlist for an SRB pursuant to Article 12.B.7.b. of the manual, which states that Commanding officers are authorized to separate a member three or fewer months before the normal separation date for the purpose of reenlistment.

5. Accordingly, partial relief should be granted by correcting the term of the applicant's November 19, 2009, reenlistment contract from four years to six years. This will allow him to receive an SRB calculated with 39 months of newly obligated service. The applicant's request to receive an SRB calculated with 48 months of newly obligated service for signing a four-year reenlistment contract on November 18, 2009, should be denied.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of xxxxxxxxxxxxxxxxx, USCG, for correction of his military record is granted in part, as follows:

The Coast Guard shall correct his record by changing the term of his November 18, 2009, reenlistment contract from four years to six years, to receive a Zone A SRB with a multiple of 0.8 pursuant to ALCOAST 353/09. The Coast Guard shall pay him any amount due as a result of this correction.

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