

announced by NAVADMIN 240/08, "Commands must submit SRB requests via OPINS (Officer Personnel Information System) 35-120 days in advance of the sailor's EAOS or reenlistment date to ensure the approval or disapproval message will reach the sailor's command and the Defense Finance and Accounting Service before the reenlistment date." See enclosure (2).

d. On 18 December 2008, Petitioner submitted a reenlistment request form to his Command Career Counselor for routing through the chain of command. He requested authorization to reenlist on 9 March 2009 for a term of 4 years. See enclosure (3).

e. On 9 January 2009, NAVADMIN 006/09 was published announcing significant policy changes to the SRB Program. Under NAVADMIN 006/09, in order to be eligible for an SRB, a sailor's reenlistment must occur within 90 days of a sailor's EAOS.² NAVADMIN 006/09 also reiterated the requirement that, "All SRB reenlistment requests are required to be submitted via OPINS 35-120 days prior to the requested reenlistment date." See enclosure (4). Accordingly, the earliest that Petitioner could be authorized to reenlist for a bonus would have been 20 April 2009 and, in order to be eligible for an SRB, the command would have to have submitted the request into OPINS at least 35 days prior to the requested reenlistment date.

f. On 26 January 2009, the Commanding Officer approved the member's reenlistment request (i.e. for Petitioner to reenlist on 9 March 2009 for a term of 4 years).

g. On 10 February 2009, NAVADMIN 050/09 was published announcing revised SRB award levels and superseding NAVADMIN 240/08. Increases in awards levels became effective immediately and decreases in award levels became effective on 11 March 2009. Under NAVADMIN 050/09, Petitioner's award level would decrease from 1.0 to 0.0 on 11 March 2009. See enclosure (5).

h. On 25 February 2009, Petitioner received Permanent Change of Station (PCS) orders.³ Petitioner was required to obligate himself for additional service (OBLISERV) to May 2012 in order to execute the homeport change associated with the orders.

i. On 2 March 2009, the Command submitted the member's SRB request into OPINS. The request was submitted only seven days prior to his requested reenlistment date.

² NAVADMIN 006/09 contained some exceptions to this policy, however, at this point in the chronology, none of the exceptions applied to Petitioner's case.

³ As a result of receiving PCS orders, Petitioner met the criteria for an exception to the rule announced in NAVADMIN 006/09 that in order to be eligible for an SRB, a sailor's reenlistment must occur within 90 days of a sailor's EAOS.

j. On 7 March 2009, the OPINS request for an SRB was denied by the Navy Personnel Command (NPC) because the command had failed to submit the request into OPINS at least 35 days prior to the requested reenlistment date. Petitioner was informed.

k. On 9 March 2009, the member reenlisted for 3 years. The member did not receive a Selective Reenlistment Bonus (SRB).

l. The member transferred on 27 March 2009 to [REDACTED]

m. On 31 March 2009, Petitioner submitted an application to this Board averring, essentially, that the failure to submit his SRB request into OPINS 35 days in advance of his reenlistment date was through no fault of his own and should be attributed to a failure of his command. To bolster his application, he submitted a letter from his command stating that the SRB request was "held with his career counselor" and not timely submitted "due to operational constraints."

n. By enclosure (6), the Bureau of Naval Personnel has provided a recommendation that no relief be granted. NPC reasons that the SRB request was not entered into OPINS at least 35 days in advance of the requested reenlistment date as required by the governing NAVADMINS. The advisory opinion also notes that "If petitioner's request had been entered in OPINS in a timely manner and the Petitioner had reenlisted for 4 years, (he) would have been entitled to 43 months of a zone "A" SRB for the YNSS rate at an award level of 1.0."

CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the opinion expressed in enclosure (6), the Board finds the existence of an injustice warranting corrective action. The Board relied heavily on the following factors: The member submitted his reenlistment request to his command on 18 December 2008 well ahead of his EAOS (of 19 July 2009) and well ahead of his requested reenlistment date (of 9 March 2009). His command was unable to process his reenlistment request into OPINS in a more timely manner due to "operational constraints." If the SRB request had been entered in OPINS in more quickly, Petitioner would have been authorized to reenlist for a bonus. The delay in submitting the SRB request into OPINS was not attributable to the Petitioner. Under these circumstances, the Board was of the opinion that the member should not be penalized for the inability of his command to submit the request into OPINS earlier and that relief should be granted to authorize the payment of an SRB.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner's command submitted a request via OPINS prior to 9 January 2009 seeking authorization for Petitioner to reenlist for an SRB.

b. The Navy Personnel Command approved the request to reenlist for an SRB.

c. Petitioner was discharged on 8 March 2009 and reenlisted on 9 March 2009. The term is 3 years.

e. This change will entitle the member to a zone "A" SRB with an award level of 1.0 for the YNSS rate. Remaining obligated service to 19 July 2009 will be deducted from SRB computation.

c. The Petitioner executed a 2 month agreement to extend enlistment, (NAVPERS 1070/621) to OBLISERV for orders operative on or about 9 March 2012.

d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


WILLIAM J. HESS, III
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.

27 October 2009


W. DEAN PFEIFFER
Executive Director

Reviewed and approved.


Acting AGC 11/17/09
(MARA)