



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

WJH:DJC
Docket No. 4089-09
27 October 2009

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) NAVADMIN 240/08 of 28 August 2008
(3) Reenlistment Request Form
(4) NAVADMIN 050/09 of 10 February 2009
(5) NPC Memo 1160 Ser 811/599 dtd 2 Sep 09
(6) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to establish entitlement to a higher zone "B" Selective Reenlistment Bonus (SRB).

2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalman, and Mr. George, reviewed Petitioner's allegations of error and injustice on 26 October 2009 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In late 2008, applicant was a Cryptologic Technician - Technical Chief Petty Officer (CTTC) on active duty with an End of Obligated Service (EAOS) date of 11 April 2009. The applicant also had executed a 14 month extension agreement that would become operative on 12 April 2009.

c. On 28 August 2008, NAVADMIN 240/08 was published announcing Selective Reenlistment Bonus (SRB) award levels for Active and Reserve component personnel. The NAVADMIN listed an award level of 1.0 for members with a CTT rating who reenlist in zone B. Under the guidance 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. In January 2009, Petitioner submitted a reenlistment request form to his Command Career Counselor for routing through the chain of command. He requested authorization to reenlist on 25 March 2009 for the available bonus (award level 1.0) for a term of 6 years. See enclosure (3).

e. Petitioner's commanding officer approved his request to reenlist on 8 February 2009.

f. Petitioner's command submitted the SRB request into OPINS on 9 February 2009.

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 0.5 on 11 March 2009. See enclosure (4). Additionally, NAVADMIN 050/09 provided that any sailor whose award level decreased who already had an SRB approval message pending for a reenlistment date after 10 March 2009 was required to submit a request for a new reenlistment date of 10 March 2009 or earlier to be eligible for the higher award.

h. In Petitioner's case, because the SRB request was already submitted into OPINS and was still pending, his command could have submitted a request for an earlier reenlistment date of 10 March 2009 or earlier so that Petitioner would be eligible for the higher award. No such request was submitted.

i. On 13 March 2009, Petitioner's command was advised that, because Petitioner had not reenlisted before 11 March 2009, Petitioner was not eligible for the higher award.

j. On 25 March 2009, the member reenlisted for a term of 6 years. The member received a Selective Reenlistment Bonus based on an award multiple of 0.5 (the "decreased" award level).

k. On 21 April 2009, Petitioner submitted an application to this Board averring, essentially, that the failure to reschedule his reenlistment date from 25 March to 10 March or earlier (to ensure eligibility for the higher award), 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 Career Counselor stating that he (the Career Counselor) had mistakenly failed to reschedule the reenlistment because he erroneously believed that the

SRB level would not be affected because the SRB request had already been submitted into OPINS.

1. By enclosure (5), the Navy Personnel Command (NPC) has provided a recommendation that no relief be granted that would provide the member with a higher award level for his reenlistment. 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.

CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the opinion expressed in enclosure (5), the Board finds the existence of an injustice warranting corrective action. The Board relied heavily on the following factors: Petitioner's command submitted the SRB request into OPINS on 9 February 2009 and the request was still pending on 10 February 2009 when NAVADMIN 050/09 was published announcing the decreased award level. Petitioner's command could have submitted a request for an earlier reenlistment date so that Petitioner could be eligible for the higher award. The failure to request an earlier reenlistment date was not attributable to the Petitioner, but rather to a failure by the Command Career Counselor who misinterpreted NAVADMIN 050/09. Under these circumstances, the Board was of the opinion that the member should not be penalized for the Command Career Counselor's mistake and that relief should be granted to authorize the payment of an SRB with an award level of 1.0 (vice 0.5).

RECOMMENDATION:

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

a. The Petitioner was discharged and reenlisted on 9/10 March 2009, vice on or about 24/25 March 2009. The term is 6 years.

b. This change will entitle the member to a zone "B" SRB with an award level of 1.0 for the CTT/173X rate/NEC. Remaining obligated service to 11 April 2009 will be deducted from SRB computation.

c. 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 (M+EA)
11-17-09