



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

WJH:DJC  
Docket No. 5863-09  
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 811/674 dtd 13 Oct 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 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 Navy Diver Second Class (ND2) on active duty with an End of Obligated Service (EAOS) date of 27 March 2009. The applicant also had executed a 19 month extension agreement that would become operative on 28 March 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 5.0 for members with an ND 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. On 28 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 27 March 2009 for a term of 5 years. See enclosure (3).

e. 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 5.0 to 2.5 on 11 March 2009. See enclosure (4). Additionally, any sailors 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.

f. On 2 March 2009, the Command submitted the member's SRB request into OPINS. The request was submitted only 25 days prior to his requested reenlistment date.

g. On 5 March 2009, the Commanding Officer approved the member's reenlistment request.

h. On 16 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.

i. On 27 March 2009, the member reenlisted for a term of 5 years. The member did not receive any Selective Reenlistment Bonus.

j. On 2 June 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 Division Officer stating that "Due to several errors occurring in the Chop Chain and an administrative error in reviewing SRB approval, the (SRB) package was delayed in processing."

k. By enclosure (5), the Navy Personnel Command (NPC) has provided a recommendation that no relief be granted that would provide the member a reenlistment bonus. 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. As an

alternative, NPC recommends that the reenlistment of 27 March 2009 be expunged and the pre-existing 19 month extension agreement become operative.<sup>1</sup> The advisory opinion also notes that "If (Petitioner's) 23 January 2009 request had been submitted in OPINS in a timely manner he would have been eligible to reenlist for SRB on 27 March 2009.

#### 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 partial corrective action. The Board relied heavily on the following factors: The member submitted his reenlistment request to his command on 28 January 2009, well ahead of his EAOS (of 27 March 2009) and well ahead of his requested reenlistment date (of 27 March 2009). His command was unable to submit his reenlistment request into OPINS until 2 March 2009 because of errors in the processing of the request. If the SRB request had been entered in OPINS before 19 February 2009, Petitioner would have been authorized to reenlist for a bonus with an award level of 2.5. 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 before 19 February 2009 and that relief should be granted to authorize the payment of an SRB with an award level of 2.5.<sup>2</sup>

#### RECOMMENDATION:

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

a. Petitioner's command submitted a request via OPINS on 18 February 2009 seeking authorization for Petitioner to reenlist for an SRB.

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

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<sup>1</sup> This would allow the member an opportunity to reenlist at a later date for any bonus that is available at the time of such reenlistment.

<sup>2</sup> The Board was not persuaded that the time needed to process applicant's reenlistment request between 28 January 2009 and the publication of NAVADMIN 050/09 of 10 February 2009 created an injustice that would warrant any greater measure of relief. The Board found that the delay associated with that period is properly attributed to normal and acceptable command processing time that could have been avoided if the applicant had submitted his request to reenlist substantially earlier than 28 January 2009. Accordingly, the portion of Petitioner's request to avoid the impact of NAVADMIN 050/09 of 10 February 2009 which reduced the award level from 5.0 to 2.5 should be disapproved.

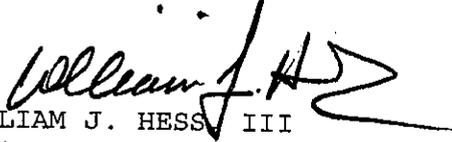
c. The Petitioner was discharged on 26 March 2009 and reenlisted on 27 March 2009. The term is 5 years.

d. This change will entitle the member to a zone "B" SRB with an award level of 2.5 for the ND/5343 rate/NEC.

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

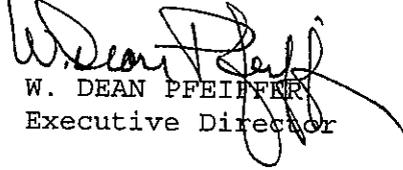
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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 A6C (m+r)

11-17-09