



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

DJC
Docket No. 6794-09
21 Jan 10

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) NPC Memo 1430 Ser 811/543 dtd 29 Jul 09
(3) 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. George, and Mr. Exnicios, reviewed Petitioner's allegations of error and injustice on 22 December 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 correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

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

a. The Branch/Class (BR/CL) on the immediate reenlistment contract (NAVPERS 1070/601) executed on or about 3 May 2002 is USN, vice USNR. The RADOMO is blank.

b. The 17 month agreement to remain on active duty (NAVPERS 1070/622) executed on 19 May 2006, and operative on or about 3 May 2006, is null and void.

c. The Branch/Class (BR/CL) on the 17 month agreement to extend enlistment (NAVPERS 1070/621), executed on or about 15 December 2004, and operative on or about 3 May 2006 is USN, vice USNR.

d. The 6 month agreement to remain on active duty (NAVPERS 1070/622), operative on or about 3 October 2007 is null and void.

e. The 6 month agreement to extend enlistment (NAVPERS 1070/621), executed on 24 September 2007, and operative on or about 3 October 2007, is null and void.

f. The 12 month agreement to remain on active duty (NAVPERS 1070/622), effective on or about 22 February 2008, and operative on or about 3 April 2008, is null and void.

g. The 12 month agreement to extend enlistment (NAVPERS 1070/621), effective on or about 22 February 2008, and operative on or about 3 April 2008, is null and void.

h. The 2 year reenlistment executed on or about 1 April 2009 is null and void.

i. The Petitioner was discharged on 1 May 2006 and reenlisted, on 2 May 2006. The term is 5 years.

j. The Branch/Class (BR/CL) on the immediate reenlistment contract (NAVPERS 1070/601) executed on or about 2 May 2006 is USN, vice USNR. The BRCL is 11, SPI-TAR is blank, TAR-TEMAC is blank, EAOS is 1 May 2011, RADOMO is blank, and EREN is blank.

k. This change will entitle the member to a zone "B" SRB with an award level of 1.0 for the QM rate.

l. Petitioner's command must submit a request to Navy Personnel Command (Pers 312), requesting correction of member's Evaluation reports if applicable.

m. 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.

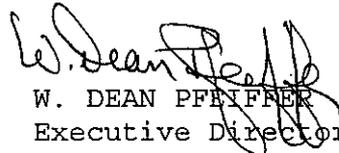


WILLIAM J. HESS, III
Acting Recorder

ROBERT D. ZSALMAN
Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

21 Jan 10



W. DEAN PFEIFFER
Executive Director