



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

DJC
Docket No. 4547-11
7 Jun 11

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 1160 Ser 811/214 dtd 25 Apr 11
(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 modify agreements to extend enlistment.

2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalman, and Mr. George, reviewed Petitioner's allegations of error and injustice on 6 June 2011 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 3 month agreement to extend enlistment (NAVPERS 1070/621), executed on or about 25 August 2003 is modified to read: Having enlisted in the UNITED STATES NAVY on "9 October 1998", vice "4 October 1998", I understand my new contract expiration date to be "8 May 2004", vice "15 May 2004", and TOTAL AGGREGATE MOS "7", vice "9".

b. The 24 month agreement to extend enlistment (NAVPERS 1070/621), executed on or about 25 August 2003 is modified to read: Having enlisted in the UNITED STATES NAVY on "9 October 1998", vice "4 October 1998", I understand my new contract expiration date to be "8 May 2006", vice "15 May 2006", and TOTAL AGGREGATE MOS "31", vice "33".

c. The Petitioner was discharged on 22 April 2004 and reenlisted, on 23 April 2004. The term is 5 years.

d. This change will entitle the member to a zone "B" SRB with an award level of 3.5 for the IT/2780 rate/NEC. Remaining obligated service to 8 May 2004 will be deducted from SRB computation.

e. The Petitioner's previous zone "B" SRB payment should be adjusted to reflect recent zone "B" entitlement.

f. The Petitioner executed a 15 month agreement to extend enlistment (NAVPERS 1070/621), on 27 December 2006.

g. The immediate reenlistment contract (NAVPERS 1070/601), executed on or about 24 October 2008 is for a term of 4 years, vice 3 years.

h. This change will entitle the member to a zone "C" SRB with an award level of 1.0 for the IT/2780 rate/NEC. Remaining obligated service to 22 April 2009 will be deducted from SRB computation. Remaining obligated service beyond the 16 year active date will not be included in the SRB calculation.

i. The Petitioner's previous zone "C" SRB payment should be adjusted to reflect recent zone "C" entitlement.

j. The Petitioner was discharged on 20 April 2011 and reenlisted, on 21 April 2011. The term is 4 years.

k. 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. 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.

7 Jun 11


For W. DEAN PFEIFFER
Executive Director