



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

DJC
Docket No. NR11458-14
27 Jan 15

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 813/315 dtd 17 Dec 14
(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 cancel, and issue an agreement to extend enlistment.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 January 2015 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 partial corrective action.

RECOMMENDATION:

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

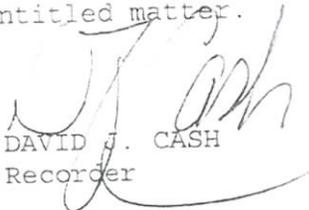
a. The 24 month agreement to extend enlistment (NAVPERS 1070/621), executed on or about 26 January 2010, is null and void.

b. The Petitioner executed a 20 month Agreement to Extend Enlistment (NAVPERS 1070/621), operative on or about 26 January 2014. This will establish an End of Active Obligated Service (EAOS)/Soft End of Active Obligated Service (SEAOS) of 25 September 2015.

c. That part of the Petitioner's request for corrective action that exceeds the foregoing is denied. Records show that the Petitioner accepted accelerated advancement to E4 on 16 August 2010; therefore 12 months of the 24 months will not be cancelled as outlined in MILPERSMAN 1510-030. Petitioner then completed 11 full weeks of advanced training prior to disenrollment. Completion of 11 weeks of advanced training requires a payback of 8 months in accordance with MILPERSMAN 1160-040; therefore only 4 months of the 24 months can be cancelled.

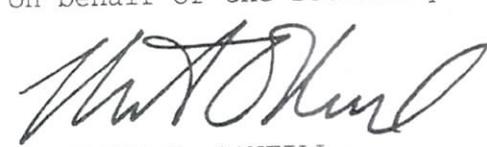
d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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.


DAVID J. CASH
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.

27 Jan 15


ROBERT J. O'NEILL
Executive Director