



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

█
Docket No. 3216-20
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █ USN, XXX-XX-█

Ref: (a) Title 10 U.S.C. §1552
(b) OPNAVISNT 1160.8A of 30 Jan 07
(c) NAVADMIN 032/18 of 15 Feb 18
(d) NAVADMIN 119/18 of 14 May 18
(e) NAVADMIN 305/18 of 17 Dec 18

Encl: (1) DD Form 149 w/attachments
(2) CMSB memo 1160 Ser B328/070 of 1 May 20
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to show Petitioner executed an Obligated Service to Train (OTT) extension and was eligible for and received a Selective Reenlistment Bonus (SRB).

2. The Board, consisting of █, █ and █, reviewed Petitioner's allegations of error and injustice on 22 June 2021 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, relevant portions of Petitioner's naval record, 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 accordance with reference (b) [7 January 2007], a member who is not eligible for an SRB in their present rating/skill or who does not hold an SRB eligible NEC may qualify for an SRB if they convert to, or train for, an SRB eligible rating/NEC/skill. The member must agree to obligate service to train for the SRB rating/NEC/skill and then reenlist after the new rating/NEC/skill is attained or rating conversion is completed. The new rating/NEC/skill must be designated for award of an SRB at the time of the agreement to OTT.

c. On 29 July 2014, Petitioner entered active duty for 4 years with an EAOS of 28 July 2018.

d. On 12 March 2015, NAVCRUIT 1133/53 (Professional Apprenticeship Career Track (PACT) Program Enlistment Guarantees) Annex E to DD Form 4 dated 2 October 2013 was issued with a 4 year obligation.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

e. On 21 December 2017, Petitioner was issued official change duty orders (BUPERS order: 3557) with a required obligated service to April 2023. Furthermore, Petitioner was directed to an ultimate activity for duty at [REDACTED]

f. On 4 January 2018, Petitioner was issued official modification change duty orders (BUPERS order: 3557) with a required obligated service to April 2022. Furthermore, Petitioner was directed to an ultimate activity for duty at [REDACTED]

g. In accordance with reference (c) [15 February 2018], This NAVADMIN announces revised Selective Reenlistment Bonus (SRB) award levels and reenlistment policy for Active Component and Full-Time Support (FTS). Increased award levels are effective immediately and decreased levels are effective 30 days after the release of this NAVADMIN.

Sailors must reenlist within 180 days and in the same fiscal year as their EAOS, except in the following cases: a. Nuclear-trained Sailors. b. Sailors eligible for combat zone tax exclusion (CZTE) are authorized to reenlist anytime within the same fiscal year as their EAOS. c. Sailors who received an Early Promote in block 45 of their most recent regular periodic evaluation will be allowed to reenlist early any time within the fiscal year of their EAOS.

Commands are required to submit SRB reenlistment requests to BUPERS-328 via OPINS or NSIPS 35 to 120 days in advance of the requested reenlistment date of the Sailor. Requests submitted less than 35 days prior to the requested reenlistment date will be rejected. However, commands may contact BUPERS-328 for waiver eligibility and procedures. Furthermore, a zone "A" SRB with an award level of 2.5 (\$30,000 award ceiling) for the EOD/5333 (M02A) rate/NEC was authorized.

h. On 26 January 2018, BUPERS-326 notified Petitioner's command that his High Year Tenure waiver was approved until 28 April 2022.

i. On 1 March 2018, Petitioner signed a NAVPERS 1070/621 (Agreement to extend enlistment) for 22 months with an SEAOS 28 May 2020 in order to incur sufficient obligated service to execute BUPERS order: 3557. Furthermore, Petitioner transferred from [REDACTED]

j. In accordance with reference (d) [14 May 2018], this NAVADMIN announces revised Selective Reenlistment Bonus (SRB) award levels and reenlistment policy for Active Component (AC) and Full-Time Support (FTS), and supersedes reference (a). Increased award levels are effective immediately and decreased levels are effective 30 days after the release of this NAVADMIN. Furthermore, a zone "A" SRB with an award level of 4.5 (\$45,000 award ceiling) for the EOD/5333 (M02A) rate/NEC was authorized.

k. In accordance with reference (e) [17 December 2018], This NAVADMIN corrects policy for Combat Zone Tax Exclusion (CZTE) and Early Promote (EP) Sailors and announces revised selective reenlistment bonus (SRB) award levels and reenlistment policy for active component (AC) and full-time support (FTS) and supersedes reference (a). Increased award levels are effective immediately and decreased levels are effective 30 days after the release of this NAVADMIN. Furthermore, a zone "A" SRB with an award level of 4.5 (\$45,000 award ceiling) for the EOD/5333 (M02A) rate/NEC was authorized.

l. On 17 June 2019, Petitioner signed a NPPSC 1160/1 (Command Career Request) requesting a 4-year reenlistment with an effective date of 31 July 2019, and was approved by cognizant authority on 29 July 2019.

m. On 30 July 2019, Petitioner completed 04TR (EOD Basic Navy only Underwater) course, and earned NEC M02A.

n. On 31 July 2019, Petitioner reenlisted for 4 years with an EAOS of 20 July 2023.

o. 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. The Board concluded that Petitioner was eligible for OTT because his EAOS was 28 July 2018 and prior to his graduation date. Petitioner should have been advised to sign an agreement to extend enlistment via the OTT option.

RECOMMENDATION

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

The 22-month agreement to extend enlistment (NAVPERS 1070/621) executed on 1 March 2018 is null and void.

Petitioner executed a 13-month agreement to extend enlistment (NAVPERS 1070/621) on 1 March 2018 via the OTT option.

Note: This change will entitle the member to a zone "A" SRB with an award level of 4.5 (\$45,000 award ceiling) for the EOD/5333 (M02A) rate/NEC for his reenlistment effective 31 July 2019.

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.

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.

7/30/2021

[REDACTED]

Deputy Director

Signed by [REDACTED]