



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

██████████
Docket No. 8890-20

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Dear ██████████:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 30 September 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in the Community Management Support Branch memorandum 1160 Ser B328/079 of 29 June 2021; a copy of which was previously provided to you for comment.

On 14 May 2001, you entered active duty. On 10 April 2015, you reenlisted for 5 years with an expiration of active obligated service (EAOS) of 9 April 2020.

In accordance with NAVADMIN 012/17 (17 January 2017), cancels NAVADMIN 162/13 and announces the renewal of Naval Special Warfare (NSW) senior enlisted and Chief Warrant Officer (CWO) Critical Skills Retention Bonus (CSRB) program. The NSW CSRB is part of the overarching effort of the Navy to size, shape, and stabilize the force. Members may sign a contract in their 19th year of service (YOS). CSRB payments begin at 20 YOS. Enlisted members may contract to their HYT mark. E7s are eligible to contract to 24 YOS.

In accordance with NAVADMIN 178/19 (2 August 2019), announces a temporary exception to policy (ETP) by the Department of Defense (DoD) to Post 9-11 GI Bill transfer of education benefits (TEB) eligibility announced in reference (a). This change does not affect service members with an approved TEB request. Specifically, service members who have served 16 or more years may transfer Post 9-11 GI Bill benefits to their eligible dependents until 12 January 2020 with an additional 4-year service obligation on active duty or in the Selected Reserve (SELRES).

On 6 January 2020, you submitted a command career request (NPPSC 1160/1) requesting a 4-year reenlistment effective 6 January 2020, and approved by cognizant authority. On 6 January 2020, you reenlisted for 4 years with an EAOS of 5 January 2024.

In accordance with NAVADMIN 006/20 (10 January 2020), announces a change in the Post 9-11 GI Bill TEB eligibility announced in Department of Defense Instruction 1341.13, allowing Service Members over 16 years of service to continue eligibility and transfer education benefits to their dependents.

In accordance with NAVADMIN 049/20 (26 February 2020), cancels NAVADMIN 012/17 and announces the renewal of the NSW senior enlisted and CWO CSRB program. The NSW CSRB is part of the overarching effort of the Navy to size, shape, and stabilize the force. Service Members may sign a contract in their 19th YOS. CSRB payments begin at 20 YOS. Enlisted Service Members may contract to their HYT mark. E-7s are eligible to contract to 24 YOS.

You requested that your 4-year reenlistment effective 6 January 2020 be cancelled. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that NAVADMIN 178/19 stated that service members having more than 16 years had until 12 January 2020 to transfer their education benefits to their eligible dependents. You reenlisted on 6 January 2020 solely to meet this deadline. On 10 January 2020, NAVADMIN 006/20 was published allowing Service Members over 16 years of service to continue eligibility and transfer education benefits to their dependents. The Board concluded that cancelling your contract would negatively impact your TEB. Furthermore, your EAOS was 9 April 2020. In order to be eligible for the NSW CSRB, you needed to have completed 19 years of service, which was not until 14 May 2020. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

10/15/2021

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Deputy Director
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