



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

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Docket No. 299-21
Ref: Signature Date

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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 was 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 12 October 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 Community Management Support Branch memorandum 1160 Ser B328/028 of 4 February 2021; a copy of which was previously provided to you for comment.

On 19 August 2016, you signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "B" to DD Form 4 dated 5 April 2016 listing the following options: Advanced Technical Field Special Warfare Operator (ATF/SO 6YO) Challenge Program, Enlistment Bonus for Source Rate (EBSR) \$12,000 bonus. On 22 November 2016, you entered on active duty for 4 years with an Expiration of Active Obligated Service (EAOS) of 21 November 2020 and Soft Expiration of Active Obligated Service (SEAOS) of 21 November 2022. On 24 May 2017, you transferred from ■ and arrived to ■ on 30 May 2017 for duty. On 18 January 2019, you signed an agreement to extend enlistment for 19 months with an SEAOS of 21 June 2022 in order to incur sufficient obligated service to execute BUPERS order: 2478.

In accordance with OPNAVINST 1160.8B (1 April 2019), a member who receives orders to attend training to gain a qualifying Selective Reenlistment Bonus (SRB) Navy Enlisted Classification (NEC), but lacks the required obligated service to complete training may apply for obligated service to train (OTT). To be eligible to apply for OTT, completion of the requested school must occur after the current inoperative extension (i.e., soft EAOS). If approved for OTT, the member will be allowed to extend enlistment through the school graduation date. The member must agree to obligate service to meet graduation date for the SRB rating, NEC, or skill

and then reenlist after the new rating, NEC, or skill is attained or rating conversion is completed. The new rating, NEC, or skill must be designated for award of an SRB at the time of the OTT agreement. Commands must forward all OTT requests to NAVPERSCOM, Active Enlisted Programs Branch (PERS-811) using the prescribed method. PERS-811 will provide an OTT approval letter to the command stating the qualifying NEC, current SRB award level, and applicable SRB NAVADMIN

On 22 April 2019, you transferred from █ and arrived to █ on 21 June 2019 for duty. On 17 June 2020, you were issued official change duty orders (BUPERS order: 1690) with an obligated service to October 2023, while stationed in █, with an effective date of departure of August 2020. Your ultimate activity was █ for duty with an effective date of arrival of January 2021. On 12 September 2020, you transferred from █ and arrived to █ on 12 April 2021 for duty.

You requested cancellation of extension or separation on the basis of erroneous extension with an obligated service to October 2023; 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 each of your extensions were to obligate for orders, and that there is no evidence that a breach of contract took place. The Board also concluded that at the time you executed your 16-month extension, you had a SEAOS of 21 June 2022, leaving enough time on contract to graduate from school. Since your SEAOS was after the graduation date, you did not qualify for OTT. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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,

11/16/2021

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