



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

[REDACTED]
Docket No. 2906-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1160-040 of 11 Apr 21

Encl: (1) DD Form 149 w/attachments
(2) CMSB memo 1160 Ser B328/075 of 8 Jun 21
(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's soft expiration of active obligated service (SEAOS) is 5 October 2021 vice 5 April 2023.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 28 October 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. On 30 March 2015, Petitioner enlisted for 8 years in the U.S. Naval Reserve. Furthermore, Petitioner signed an Enlistment Guarantees (NAVCRUIT 1133/52) Annex "A" to DD Form 4 dated 30 March 2015 listing the following options: Advanced Electronics Field - Advanced Electronics Computer Field (AEF/AECF 6YO) Program.

c. On 6 October 2015, Petitioner entered active duty for 4 years with an EAOS of 5 October 2019 and SEAOS of 5 October 2021.

d. On 6 October 2015, Petitioner signed an agreement to extend enlistment for 24 months with a SEAOS of 5 October 2021 for the "Training in the Advanced Electronic Field (AEF)/Advanced Technical Field (ATF) Program and advancement to paygrade E4 per MILPERSMAN Articles 1160-040 and 1510-030.

e. On 6 October 2021, an agreement to extend enlistment for 18 months became operative per Petitioner's member data summary.

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f. In accordance with reference (b), to execute an extension, use NAVPERS 1070/621 (or automated equivalent), which must be completed and signed by the member and an official authorized per MILPERSMAN 1070-190 prior to the date of expiration of enlistment. Agreements executed subsequent to the date of expiration of enlistment are without legal force and effect.

g. 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 the agreement to extend enlistment operative on 6 October 2019 for 18 months was not in compliance with MILPERSMAN 1160-040, it is incomplete and not signed by Petitioner.

RECOMMENDATION

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

The 18 month agreement to extend enlistment (NAVPERS 1070/621) operative on 6 October 2019 is null and void.

Petitioner executed an agreement to extend enlistment contract (NAVPERS 1070/621) operative on 6 October 2021 for a period of 4 months. Note: This will establish an EAOS of 5 February 2022 per Petitioner's new request.

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

4. It is certified that a 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED]

Deputy Director

Signed by: [REDACTED]